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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 8—Amateur Sporting Contribution Tax
Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-8.010 Definitions is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1925-1934).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 8—Amateur Sporting Contribution Tax
Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-8.020 Program Administration is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1934).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 8—Amateur Sporting Contribution Tax
Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-8.030 Tax Credit Accountability Act Compliance is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1934-1935).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-9.010 Definitions is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1935-1936).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-9.020 Application Process is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1936–1937).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-9.030 Project Proposal is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1937–1947).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-9.040 Event Notification is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1947–1954).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 9—Amateur Sporting Tax Credit Program**

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Director of Economic Development under section 67.3000.9, RSMo Supp. 2013, the director hereby terminates an emergency rule effective January 16, 2014, as follows:

4 CSR 85-9.050 Final Application is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1954–1965).

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

EXECUTIVE ORDER 14-01

WHEREAS, the State of Missouri is a committed partner in the nation's defense; and

WHEREAS, the United States Department of Defense plays an integral role in the economy of the State of Missouri; and

WHEREAS, the State of Missouri retains significant military installations and numerous Department of Defense facilities throughout the state; and

WHEREAS, Department of Defense spending supports approximately 275,000 direct and indirect jobs in Missouri; and

WHEREAS, Department of Defense personnel expenditures in Missouri - including retiree pensions - are estimated to exceed \$3.23 billion annually; and

WHEREAS, the Department of Defense awards an average of \$11.7 billion in prime contracts to Missouri-based firms annually; and

WHEREAS, the total economic impact engendered by the Department of Defense in Missouri is calculated at \$39.76 billion annually; and

WHEREAS, the missions performed by Missouri's active, reserve and National Guard military men and women are indispensable to ensuring the nation's defense; and

WHEREAS, the State of Missouri is committed to advancing an environment hospitable for Department of Defense personnel - military, civilian and retired - to live, work and raise families successfully in the state; and

WHEREAS, through policies and programs designed to eliminate taxation on military pensions, identify private sector employment opportunities for veterans and ensure transferable school credits for dependents, among other activities, the State of Missouri continues to take action demonstrating deep respect and appreciation for the service and sacrifices of the nation's military men and women.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and laws of the State of Missouri, do hereby create the Missouri Military Partnership to protect, retain and enhance Department of Defense activities in the State of Missouri.

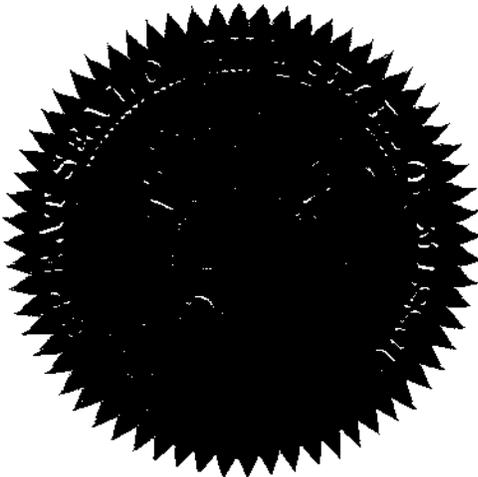
State Treasurer Clint Zweifel is appointed to coordinate, guide and lead the Missouri Military Partnership.

All executive branch entities, including, but not limited to, the Department of Economic Development, the Missouri Military Preparedness and Enhancement Commission, the Missouri Department of Public Safety and the Missouri National Guard, will coordinate their activities related to protection, retention and enhancement of Department of Defense activities within the State of Missouri with the Missouri Military Partnership.

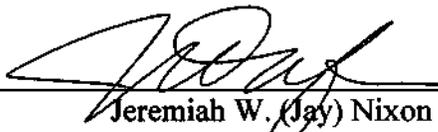
In addition, the Missouri Military Partnership will align its efforts with political subdivisions, businesses and other stakeholders throughout the State of Missouri.

The Department of Economic Development shall provide administrative support to the Missouri Military Partnership.

The Missouri Military Partnership shall prepare a report to the Governor on the partnership's activities and strategies for effective collaboration between the State of Missouri, political subdivisions, businesses and other stakeholders to protect, retain and enhance Department of Defense installations and the positive impacts that such installations have on the economy and quality of life in the State of Missouri. This report shall be delivered by March 31, 2014.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10th day of January, 2014.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways**

PROPOSED AMENDMENT

7 CSR 10-12.010 Scenic Byways. The Missouri Highways and Transportation Commission is amending the title of the department and section (1).

PURPOSE: This proposed amendment clarifies that the Missouri Highways and Transportation Commission may designate a state highway as a scenic byway.

(1) The **Missouri Highways and Transportation Commission** (commission) may designate a road or highway under its jurisdiction as a

scenic byway based upon consideration of the factors outlined in section (2).

AUTHORITY: sections 226.020, 226.130(2), 227.030, [RSMo (1986)] and 226.797-226.799, RSMo [(Cum. Supp. 1990)] 2000. Emergency rule filed April 5, 1993, effective April 15, 1993, expired Aug. 3, 1993. Emergency rule filed July 30, 1993, effective Aug. 9, 1993, expired Nov. 29, 1993. Original rule filed April 5, 1993, effective Dec. 9, 1993. Amended: Filed Jan. 9, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways
PROPOSED AMENDMENT**

7 CSR 10-12.020 Application Procedures. The Missouri Highways and Transportation Commission is amending the title of the department, sections (1), (2), and subsection (2)(1).

PURPOSE: This proposed amendment corrects the department's name.

(1) Eligibility. Any agency, group, or individual may nominate a road or highway for scenic byway designation by following the application procedures provided below. This includes the Missouri *[Highways and Transportation]* Department of **Transportation** and the Scenic Byway Advisory Committee described in 7 CSR 10-12.030[(5)](3).

(2) Application. One (1) original and eight (8) copies of the application package for nominating a road or highway for official scenic byway designation should be sent to the Missouri *[Highways and Transportation]* Department of **Transportation**, *[Transportation Planning and Policy Development Section,]* Attention: Scenic Byways Advisory Committee, P[.]O[.] Box 270, Jefferson City, MO 65102. This package should be in a typed eight and one-half inches by eleven inches (8 1/2" X 11") paper format and include the following in the order presented:

(I) A corridor management plan provides the community's vision of the proposed byway and outlines a process of commitment to specific strategies and actions to manage the route over time. Guidelines for preparing a corridor management plan can be obtained from the **Missouri Department of Transportation [Planning and Policy Development Section of the Missouri Highways and Transportation Department]**.

1. An action plan should be included in the corridor management plan. This action plan should provide general goals for a five (5)-year period and more specific goals for the first year. This action

plan should include timelines and schedules for the following:

- A. Protection for the maintenance of points of interest, scenic, and historic qualities of the proposed byway;
- B. Proposed improvements or developments along the route and any promotional or marketing activities;
- C. Proposed public involvement allowing for local participation in the development of the **corridor** management plan; and
- D. Availability of financial resources with which to upgrade, develop, promote, and otherwise make the scenic corridor available for its intended uses. If no funding is currently available, indicate how the applicant plans to locate funding sources.

2. Biennial reports of the progress of the corridor management plan shall be required to be submitted to the Missouri Highways and Transportation Commission by the applicant and affected governing bodies.

AUTHORITY: sections 226.020, 226.150, 226.797, [RSMo (1994) and] 226.798 and 226.799, RSMo [(Supp. 1995)] 2000 and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240. Original rule filed April 10, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 9, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register.

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 12—Scenic Byways
PROPOSED AMENDMENT**

7 CSR 10-12.030 Nomination Review Process. The Missouri Highways and Transportation Commission is amending the title of the department, section (1), subsections (1)(A), (1)(B), (1)(C), sections (2) and (3), subsections (3)(D), (3)(E), (3)(G), (3)(H), sections (5) and (7), subsection (7)(B), sections (9), (11), and (13) and adding new subsections (3)(I) and (3)(J).

PURPOSE: This proposed amendment corrects the department's name and clarifies that the commission may approve a scenic byway designation if it determines the road or highway will promote a continuous system of scenic byways for the public health and welfare. The proposed amendment also says the applicant has ninety (90) days after receipt of the commission's rejection of a scenic byway designation to correct any deficiencies in the nomination. The proposed amendment also adds the Missouri Chamber of Commerce and Missouri Retailers Association as members of the Scenic Byways Advisory Committee.

(1) Initial Screening. The **Missouri Department of Transportation [Planning and Policy Development Section of the Missouri Highways and Transportation Department]** shall perform an initial screening of all nomination application packages. The completeness and accuracy of the application and the zoning of the proposed

byway is reviewed.

(A) If any deficiencies in the application are discovered, the applicant is notified by the **Missouri Department of Transportation** and has ninety (90) days to resubmit the corrected application.

(B) If the application package appears complete, the Missouri *[Highways and Transportation]* Department of **Transportation** shall send a letter to all affected governing bodies in the proposed byway area informing them of the nomination and requesting zoning information and a letter of intent.

(C) The **Missouri Department of Transportation [Planning and Policy Development Section of the Missouri Highways and Transportation Department]** shall also compile a *[project prioritization]* report on the proposed byway including traffic, accident, and other pertinent safety data.

(2) Scenic Byways Advisory Committee (SBAC) Review. The application package of the nominating organization, the data report compiled by the Missouri *[Highways and Transportation]* Department of **Transportation**, and the letters of intent from the affected governing bodies are then presented to the *[Scenic Byways Advisory Committee]* **SBAC** for their preliminary review.

(3) *[Scenic Byways Advisory Committee (SBAC)]* **SBAC**. The SBAC consists of a member from each of the following:

- (D) The **Missouri Outdoor Advertising Industry**;
- (E) The Missouri *[Highways and Transportation]* Department of **Transportation**;
- (G) The University of Missouri-Historic Preservation; *[and]*
- (H) Scenic Missouri, Inc.;
- (I) **Missouri Chamber of Commerce**; and
- (J) **Missouri Retailers Association**.

(5) Rating Scale. This evaluation shall also include results of a matrix rating scale used for prioritization of proposed scenic byways. This rating scale is available from the **Missouri Department of Transportation [Planning and Policy Development Section]**, Attention: Scenic Byways Advisory Committee, *Pl./Ol./* Box 270, Jefferson City, MO 65102.

(7) Notice of Intent. The Missouri *[Highways and Transportation]* Department of **Transportation** shall then provide written notice of its intent to designate the road or highway as a scenic byway to newspapers of general circulation in the area(s) affected and to the governing body of each county and each municipality that has jurisdiction over all or part of the route.

(B) Within ninety (90) days after the receipt of the notice from the department, each governing body of each county or municipality, after such hearing, shall approve or reject the proposed byway designation. The governing body shall notify the *[commission]* **Missouri Department of Transportation** of approval or rejection and submit a summary of the public hearing to the *[commission]* **Missouri Department of Transportation**.

(9) Approval *[and Designation]* or **Rejection** by Commission. The final step in the nomination process is to receive approval or **rejection** from the Missouri Highways and Transportation Commission. **The commission may by commission minute approve the designation of the road or highway as a scenic byway if the commission determines the road or highway will promote a continuous system of scenic byways for the public health and welfare.** If the commission rejects such nomination, the applicant *[is]* shall be given ninety (90) days after receipt of the commission's rejection to correct any deficiencies in the nomination.

(11) Signs. The Missouri *[Highways and Transportation]* Department of **Transportation** shall produce and install standard signs along all state scenic byways. Additional signs may be purchased and installed

by affected governing bodies subject to *[departmental]* department approval.

(13) Biennial Review Process. The *[Scenic Byways Advisory Committee]* SBAC shall review all biennial reports submitted by affected governing bodies. Such reviews shall ensure that the governing bodies are maintaining provisions included in the initial written agreement and corridor management plan. If the byway—

AUTHORITY: sections 226.020, 226.150, and 226.797, [RSMo (1994) and] 226.798, 226.799, and 226.801, RSMo [(Supp. 1995)] 2000 and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240. Original rule filed April 10, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 9, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 109—Sales/Use Tax—Sale of Property
vs. Sale of Service**

PROPOSED AMENDMENT

12 CSR 10-109.050 Taxation of *[Computer]* Software *[Programs]*. The director proposes to amend the title and sections (1), (2), add new subsections to section (3), and amend section (4).

PURPOSE: This proposed amendment modifies the existing rule to address information technology advances since the year 2000.

(1) In general, the sale of canned *[computer]* software *[programs]* is taxable as the sale of tangible personal property. The sale of customized software *[programs]*, where the true object or essence of the transaction is the provision of technical professional service, is treated as the sale of a nontaxable service.

(2) Definition of Terms.

(A) Canned *[programs]*—*Canned programs are standardized programs] software—software* purchased “off the shelf” or *[are programs]* of general application developed for sale to and use by many different customers with little or no modification[s]. *[These] This* may include *[programs] software* developed for in-house use and subsequently held or offered for sale or *[lease]*. *A program] license. Software* may be *[a] canned [program]* even if it requires some modification, adaptation, or testing to meet the customer’s particular needs.

(B) Customized *[programs]*—*Customized programs are programs] software—software* developed to the special order of a customer. The *[real] true* object sought by a purchaser of customized *[programs] software* is the service of the seller and not the property produced by the service of the seller. **Note that minor changes to canned software will not be sufficient to qualify as custom soft-**

ware. Further, software that is unique to a special industry will not be sufficient to qualify as custom software. Additionally, software that is sold in modules will not qualify as custom software.

(C) Software as a service—A model for enabling ubiquitous, convenient, and on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. The term includes platform as a service model, infrastructure as a service model, and similar service models. It does not include any service model that gives the purchaser the right to use specifically identified tangible personal property.

(3) Basic Application of the Tax.

(A) Tax applies to the sale of canned *[programs] software* delivered in a tangible medium *[which are transferred]* to *[and retained by]* the purchaser. Examples of canned *[programs] software* delivered in a tangible medium would include coding sheets, cards, magnetic tape, CD-ROM, or other tangible electronic distribution media on which or into which canned *[programs have] software* has been coded, punched, or otherwise recorded.

(B) Tax applies to the entire amount charged to the customer for canned *[programs] software. [Where] If* the consideration *[consists of] for the sale includes* license *[fees]* or *[royalty payments, all license fees or royalty payments,] other fees* present or future, whether for a period of minimum use or for extended periods, **such fees** are includable in the measure of the tax. *[Tax does not apply to the amount charged to the customer for customized programs. The seller of the customized programs is subject to tax on the purchase of any materials or tangible personal property used to provide the nontaxable service.]*

(C) Tax does not apply to the amount charged to the customer for customized software. The seller of the customized software is subject to tax on the purchase of any tangible personal property or taxable services used to provide the nontaxable service.

[(C)](D) Programming changes to *[a] canned [program] software* to adapt it to a customer’s equipment or business processes, *[including translating a program to a language compatible with a customer’s equipment,]* are in the nature of fabrication or production labor that are a part of the sale and are taxable.

[(D)](E) Charges for *[assembler, compiler, utility, report writer and other canned programs provided to those who] software included as part of a lease or purchase of a computer [automatic data processing equipment]* are subject to tax *[whether] even if* the charges are billed separately *[or are included in the lease or purchase price of the equipment].*

[(E)](F) *[Program] The taxation of the purchase of software* installation, training, and maintenance *[of software] services [are taxable under the following circumstances] shall be determined as follows:*

1. *[The purchase of the services is mandatory under the terms of an agreement to purchase software;] Mandatory* canned software maintenance agreements. Software maintenance agreements that are mandatory for canned software provided on a tangible medium are subject to tax, whether or not these charges are separately stated;

2. *[Even though the purchase of the services is not mandatory under a software purchase agreement, the purchase of the services is taxable if canned program updates are included in the purchase price for the services and the services are not separately stated; or] Optional* canned software maintenance agreements. Software maintenance agreements that provide for canned software updates, upgrades, or enhancements delivered on a tangible medium are subject to tax. If the optional maintenance agreements do not provide for canned software updates, upgrades, or enhancements delivered on a tangible medium, then the separately stated cost of the maintenance agreement is not subject to tax;

3. [The purchase of the services, though not part of a mandatory agreement to purchase software, is included in the total price for the purchase of software and the services are not separately stated] Custom software maintenance agreements that provide for software updates, upgrades, or enhancements delivered on a tangible medium are not subject to tax.

[If] Program installation, training and maintenance of software services are not taxable under the following circumstances:

1. The purchase of the services is not mandatory under a software purchase agreement and the services are separately stated on the purchase invoice from software or other items purchased; or

2. The services are purchased separately from software or other tangible personal property.]

(G) A software seller may sell canned software on a tangible medium, and later sell to the same purchaser additional software licenses, that involve no additional transfer of tangible personal property. The sale of the additional licenses is not subject to tax, unless the sale was part of the original transaction.

(H) Any future periodic payments required to continue to use software purchased on a tangible format are subject to tax.

(I) The sale of software as a service is not subject to tax. The service provider must pay sales or use tax on any tangible personal property used to provide the service that is purchased or used in Missouri.

(4) Examples.

(A) [The sale of computer video game programs used to operate computer video games is considered the sale of tangible personal property and is subject to tax.] A retailer sells video games on disk and by electronic download. The sale of video games on disk is subject to tax. The sale of video games by electronic download is not subject to tax.

(B) [Canned programs used to operate business computers, personal computers, word processors, display writers and other similar hardware are considered the sale of tangible personal property and subject to tax.] A retailer sells canned software. The retailer also provides programming services to modify the canned software for the customer's equipment. Both the canned software and the programming services to modify the canned software are subject to tax.

(C) [The provision of programming services to create a software program to the particular specifications and requirements of a purchaser are not subject to tax. The seller should pay tax on the purchase of any materials or supplies used to provide the service.] A software company creates custom software for a customer. The amount charged for the custom software is not subject to tax. The software company must pay tax on its purchase of any materials or supplies used to provide the custom software.

(D) [The sale of software maintenance agreements which include tangible periodic canned program updates as part of the sales price that are not separately stated on the invoice are subject to tax.] A retailer sells optional software maintenance agreements for taxable software that include periodic software updates delivered through a tangible format. If the sales price of the software maintenance agreement does not separately state the price of the software updates, the entire software maintenance amount is subject to tax. If the sales price of the software updates is separately stated from the maintenance services, and the price attributed to the software updates is fair market value, then only the separately stated amount of the software updates is subject to tax.

(E) [The sale of software modules that are part of an integrated canned program is taxable even if the seller performs activities to install and prepare the programs for use by the

purchaser. For example, the sale of general ledger, accounts receivable, accounts payable, or other modules from accounting applications is taxable, even though the seller establishes a chart of accounts or company information for the purchaser.] A retailer sells software modules in a tangible format that are part of integrated canned accounting software. The customer selects the specific modules that it wants to purchase. The sale includes modules for the customer's general ledger, accounts receivable, and accounts payable. The sale of the software modules and services are subject to tax.

(F) [Programming services required to create new interfaces or custom reports for canned program modules as described above in (4)(E), are not taxable, but the canned program modules remain taxable.] In addition to the sale of canned software, a retailer creates new interfaces and custom reports for the purchaser. The services of creating the interfaces with other software and custom reports not provided by the canned software are not subject to tax if separately stated.

(G) [Additional canned programs ("bolt on programs"), such as tax management software, added to either a canned or customized integrated system are taxable.] A software company sells canned software through a tangible format. The contract for the purchase of the software includes a license for up to fifty (50) users, requires the payment of annual maintenance for three (3) years, and provides that upgrades will be provided at no additional cost as long as maintenance is paid. All of the amounts paid for the software under the contract are subject to tax.

(H) A software company sells canned software, such as tax management software in a tangible format. The software company charges one thousand dollars (\$1,000) for the original copy of the software. At the time of sale, the software company also sells to the same purchaser a license for two thousand (2,000) users of the software for one million dollars (\$1,000,000). The entire one million one thousand dollars (\$1,001,000) is subject to tax. However, if the software company obtains written documentation from the customer that a certain number of those licenses will be used outside the state of Missouri, the number of out of state documented users' times five hundred dollars (\$500) will not be subject to tax.

(I) A software company sells canned software in a tangible format. The software company charges one thousand dollars (\$1,000) for a copy of the original software and ten thousand dollars (\$10,000) for a license for an additional one hundred (100) users. The purchaser subsequently purchases a license from a third party vendor for an additional twenty-five (25) users for three thousand dollars (\$3,000). There is no tangible personal property delivered in connection with the purchase of the additional license for twenty-five (25) users. The eleven thousand dollar (\$11,000) purchase price for the software and original one hundred (100)-user license is subject to tax. The three thousand dollars (\$3,000) is not subject to tax.

(J) A software company sells canned software in a tangible format for five thousand dollars (\$5,000). Eighteen (18) months later the software company sells to the same user an additional twenty (20) licenses for six thousand dollars (\$6,000). No tangible personal property changes hands as a result of these twenty (20) additional licenses. The six thousand dollars (\$6,000) is not subject to tax.

(K) A software company delivers canned software through an electronic transfer and also mails a copy of the software on a compact disk. The sale of the software is subject to tax.

(L) A software company sells canned software through an electronic transfer and also mails an instruction manual to the purchaser. The sale of the software is not subject to tax.

AUTHORITY: sections 144.270 and 144.705, RSMo [1994] Supp. 2013. Original rule filed Nov. 4, 1999, effective May 30, 2000. Amended: Filed Jan. 15, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement
System of Missouri
Chapter 3—Funds of Retirement System

PROPOSED AMENDMENT

16 CSR 10-3.010 Payment of Funds to the Retirement System.
The retirement system is amending section (9).

PURPOSE: This amendment clarifies that payments resulting from employment disputes are not to be considered “salary” for the purposes of the retirement system.

(9) The terms “salary,” “salary rate,” and “compensation” are synonymous when used in regulations promulgated by the board, unless the context plainly requires a different meaning.

(B) Salary, salary rate, and compensation do not include:

1. Payments for services as an independent contractor, or any other payment that must be reported on IRS form 1099-MISC;
2. Payments made by an entity that is not a covered employer, and reported to the IRS under that entity’s tax identification number;
3. Payments made for unused annual, sick, or similar leave time, except as provided by section 104.601, RSMo;
4. Payment for leaves of absence if less than one hundred percent (100%) of previous contract rate, except as provided in section 169.055 or 169.595, RSMo;
5. Extraordinary payments such as bonuses, awards, and retirement incentives;
6. Fringe benefits, except medical benefits as described in section [(7)] (9) of this rule; [and]
7. Any other payment that is not part of the regular remuneration earned by a member as an employee of a covered district during a school year[.]; and
8. **Payments resulting from employment disputes including severance pay, back pay awards, payments in settlement of employment contract disputes, payments in consideration for agreeing to terminate employment, and payments in settlement of other employment disputes.**

[(D) The following payments resulting from employment disputes will be included in salary if the award or settlement document designates those payments as salary as defined in this section: back pay awards; payments in settlement of employment contract disputes; and payments in settlement of other employment disputes. The award or settlement may be the result of a court order, an order of an administrative tribunal, or a negotiated written settlement. The payments must be allocated to the appropriate school years and corrected contributions made, including interest charges.]

[(E)](D) In determining “final average salary” as defined in section 169.010, RSMo, the system will disregard any increase in compensation in excess of ten percent (10%) from one (1) year to the next in the final average salary period. This limit will not apply to

increases due to bona fide changes in position or employer, increases required by state statute, or district wide salary schedule adjustments for previously unrecognized education related service.

AUTHORITY: section 169.020, RSMo Supp. 2013. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 15, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 6—The Public Education Employee
Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.020 Source of Funds. The retirement system is amending section (11).

PURPOSE: This amendment clarifies that payments resulting from employment disputes are not to be considered “salary” for the purposes of the retirement system.

(11) The terms “salary,” “salary rate,” and “compensation” are synonymous when used in regulations promulgated by the board, unless the context plainly requires a different meaning.

(B) Salary, salary rate, and compensation do not include:

1. Payments for services as an independent contractor, or any other payment that must be reported on IRS form 1099-MISC;
2. Payments made by an entity that is not a covered employer, and reported to the IRS under that entity’s tax identification number;
3. Payments made for unused annual, sick, or similar leave time, except as provided by section 104.601, RSMo;
4. Payment for leaves of absence if less than one hundred percent (100%) of previous contract rate, except as provided in section 169.595, RSMo;
5. Extraordinary payments such as bonuses, awards, and retirement incentives;
6. Fringe benefits, except medical benefits as described in section (10) of this rule; [and]
7. Any other payment that is not part of the regular remuneration earned by a member as an employee of a covered district during a school year[.]; and
8. **Payments resulting from employment disputes including severance pay, back pay awards, payments in settlement of employment contract disputes, payments in consideration for agreeing to terminate employment and payments in settlement of other employment disputes.**

[(D) The following payments resulting from employment disputes will be included in salary if the award or settlement document designates those payments as salary as defined in

this section: back pay awards; payments in settlement of employment contract disputes; and payments in settlement of other employment disputes. The award or settlement may be the result of a court order, an order of an administrative tribunal, or a negotiated written settlement. The payments must be allocated to the appropriate school years and corrected contributions made, including interest charges.]

[(E)](D) In determining “final average salary” as defined in section 169.600, RSMo, the system will disregard any increase in compensation in excess of twenty percent (20%) from one (1) year to the next in the final average salary period. This limit will not apply to increases due to bona fide changes in position or employer or increases required by state statute.

AUTHORITY: section 169.610, RSMo Supp. 2013. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 15, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Professional Registration, Jane Rackers, Division Director, PO Box 1335, Jefferson City, MO 65102, or via email at profreg@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2231—Division of Professional Registration Chapter 2—Designation of License Renewal Dates and Related Renewal Information

PROPOSED AMENDMENT

20 CSR 2231-2.010 Designation of License Renewal Dates and Related Renewal Information. The division is proposing to amend paragraphs (2)(N)4. and 5.

PURPOSE: This amendment changes the renewal date for preneed agents.

(2) The license renewal dates designated for each agency assigned to the division are—

- (N) State Board of Embalmers and Funeral Directors—
1. Embalmers, funeral directors—June 1;
 2. Preneed providers—November 1;
 3. Preneed sellers—November 1;
 4. Preneed agents—~~November 1~~**December 1**;
 5. Funeral director preneed agents—~~November 1~~**December 1**; and
 6. Funeral establishments—January 1;

AUTHORITY: section 324.001, RSMo Supp. 2013. This rule originally filed as 4 CSR 231-2.010. Emergency rule filed Feb. 9, 1982, effective Feb. 19, 1982, expired May 12, 1982. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 14, 2014.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 7—Missouri Accountability Portal**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of the Office of Administration under section 33.087, RSMo Supp. 2013, the commissioner adopts a rule as follows:

1 CSR 10-7.010 Missouri Accountability Portal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1738-1741). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.060, RSMo Supp. 2013, and section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.015 Definition of Terms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1608). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of
Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.020 Leaves of Absence is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1608-1609). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential
Customers of Electric, Gas, Sewer, and Water Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.010 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1363-1364). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis

Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: AARP, the Consumers Council of Missouri, Legal Services of Eastern Missouri, Inc., and the Office of the Public Counsel indicated their support for the provision that makes these rules applicable to sewer utilities in addition to electric, gas, and water utilities.
RESPONSE: The commission thanks the commenters for their comment.

COMMENT #3: The Office of the Public Counsel indicated its support for the amendment to section 13.010(4) that requires that utility tariff provisions must be consistent with the requirements of Chapter 13 of the commission's rules.
RESPONSE: The commission thanks Public Counsel for its comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1364-1365). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas

Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group and the Office of the Public Counsel express concern about the proposed change to the definition of "applicant." The amendment would distinguish applicant, as a person who has applied to receive residential service, from a "customer." Under the definition, an "applicant" becomes a "customer" upon initiation of service.

The AARP group warns that the use of "applicant" and "customer" throughout the Chapter 13 rules is not always consistent with that dichotomy and advises the commission to carefully examine the entire chapter to be sure there are no unintended consequences of changing this definition. More particularly, the AARP group and Public Counsel are concerned that an existing customer might be relabeled as an applicant, and thereby lose some protections under the rule if their service is disconnected for a period. To remedy that concern, Public Counsel proposes that the rule clarify that a disconnected customer remains a customer rather than an applicant for one (1) year after the disconnection.

Missouri American Water Company also expresses concern about the last sentence of the definition and suggest that the commission add a definition of "initiation of service" to define the moment when an applicant becomes a customer.

RESPONSE AND EXPLANATION OF CHANGE: All of the comments raise valid concerns about the difference between an applicant and a customer. However, those concerns are beyond the scope of a simple definition of "applicant." The second sentence of that definition, which attempts to define the difference between "applicant" and "customer" and when that change takes place, is also beyond the scope of a definition. If that question is to be addressed it needs to be addressed as a substantive part of the regulations, not jammed into a definition. The commission will remove the second sentence of the definition of "applicant." That will also eliminate any need to define "initiation of service."

COMMENT #3: Rick Zucker, attorney for Laclede Gas Company, pointed out a problem with the definition of "bill." Mr. Zucker pointed out that a comma should be inserted after the words "electronic

demand” within the definition to make the sentence grammatically correct.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Zucker is correct and the commission will add the comma to the definition.

COMMENT #4: Public Counsel is concerned that the new definition of “corrected bill” is vague and overly broad and might authorize a utility to re-bill a customer without adjusting the date payment is due. Public Counsel contends the commission’s standard should be to ensure that customers shall receive a correct bill based on actual usage each billing period with only limited exception for circumstances beyond the utility’s reasonable control. Public Counsel does not offer a specific alternative definition of “corrected bill.”

RESPONSE: The commission certainly agrees with the standard described by Public Counsel. However, the simple definition of “corrected bill” does not override any consumer protections embodied elsewhere in the Chapter 13 regulations. There is no need to change the definition.

COMMENT #5: Public Counsel proposes that the words “the validity of” should be removed from the new definition of “in dispute.” Public Counsel is concerned that a dispute may involve an invalid charge appearing on an otherwise valid bill. Rick Zucker, attorney for Laclede Gas Company contends “the validity of” should remain in the rule to clearly differentiate a dispute from an inquiry.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the change proposed by Public Counsel. The phrase “the validity of” could inappropriately narrow the intended scope of the definition. Even with the change, the definition of “in dispute” is sufficiently different from “inquiry.” The commission will remove the “the validity of” phrase from the definition.

COMMENT #6: Public Counsel is concerned that the new definition of “inquiry” would too narrowly limit the scope of what constitutes an inquiry. Public Counsel suggests that inquiry should be more broadly defined as “a question or request for information related to utility charges, services, practices, or procedures.”

The AARP group also expresses concern that this definition will shrink consumer rights and suggests that a second sentence be added to the definition to indicate “An inquiry that expresses a concern or disagreement with a utility charge or utility service shall also be considered a complaint under these rules.”

RESPONSE AND EXPLANATION OF CHANGE: The AARP group’s concerns are unfounded. The definition of “inquiry” is intended to differentiate a customer inquiry from a customer complaint, recognizing that not all customer questions and requests for information are in fact complaints. The AARP groups’ proposed language would eliminate the distinction the new definition is designed to recognize. The commission will not make the change proposed by the AARP group.

The change proposed by Public Counsel is well taken. In this circumstance a broader definition of inquiry is appropriate. The commission will adopt the revision proposed by Public Counsel.

COMMENT #7: The AARP group, Public Counsel, and the Missouri Utility Group all express concern about the new definition of “payment.” The AARP group and Public Counsel want to ensure that all customers have the option to pay by cash or draft and that electronic payment is not made mandatory. The Missouri Utility Group is concerned that an insufficient funds check that is dishonored should not meet the definition of payment. To that end, that group recommends that the phrase “draft of good and sufficient funds” be added to the definition.

RESPONSE AND EXPLANATION OF CHANGE: The commission is mindful of the concern expressed by the AARP group and Public Counsel. The commission agrees that electronic payment should remain an option only and this definition does not change that position. The Missouri Utility Group’s concern is more well-founded. No one believes that simply sending the utility a check that is dishonored should meet the definition of “payment.” The commission

will add the phrase “draft of good and sufficient funds” to the definition.

COMMENT #8: The AARP group and Public Counsel advise the commission to delete the new definition of “payment agreement.” They are concerned that the definition is not necessary and is not a proper definition in that it attempts to limit such agreements to a twelve- (12-) month duration unless the customer and utility agree to a longer period. Public Counsel also suggests that the substantive limitations on payment agreement could better be placed in 4 CSR 240-13.060, the regulation dealing with payment agreements.

RESPONSE AND EXPLANATION OF CHANGE: Public Counsel is correct. The definition of “payment agreement” should not attempt to impose substantive limitations on such agreements. The commission will cut the phrase that imposes those substantive limitations from the definition and will move it to 4 CSR 240-13.060.

COMMENT #9: Public Counsel is concerned about the proposed amendment to the definition of “rendition of a bill.” The proposed amendment is designed to recognize and allow for the electronic delivery of the bill to the customer. Public Counsel expresses concern that the phrases “posted electronically” and “otherwise sent to the customer” are potentially vague and subject to abuse.

RESPONSE: Public Counsel’s concerns about the phrases “posted electronically” and “otherwise sent to the customer” are misplaced as neither phrase appears in the version of the proposed amendment that was published in the *Missouri Register*. The proposed amendment that appears in the *Missouri Register* does not have the problems described by Public Counsel and does not need to be changed.

COMMENT #10: Public Counsel claims that the proposed amendment of the definition of tariff is unnecessary and potentially misleading because it would exclude instances where the commission may prescribe tariff changes that were not filed by the utility.

RESPONSE: Public Counsel’s criticism of the proposed definition of tariff is not persuasive. Contrary to that criticism, while the commission can order a utility to file a certain tariff, only a utility may actually file the tariff. Thus, the definition covers all means by which a tariff may become effective and does not need to be changed.

4 CSR 240-13.015 Definitions

(1) The following definitions shall apply to this chapter:

(A) Applicant means an individual(s) or other legal entity who has applied to receive residential service;

(B) Bill means a written demand, including, if agreed to by the customer and the utility, an electronic demand, for payment for service or equipment and the taxes, surcharges, and franchise fees;

(S) In dispute means to question and request examination of utility bills or services rendered;

(T) Inquiry means a question or request for information related to utility charges, services, practices, or procedures;

(V) Payment means cash, draft of good and sufficient funds, or electronic transfer;

(W) Payment agreement means a payment plan entered into by a customer and a utility;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1365-1366). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingham, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group, the Office of the Public Counsel, Jacqueline Hutchinson, Jackie Lingham, and John Coffmann all expressed a general concern that the commission's proposed rules should not allow for the expanded use by utilities of estimated bills. They believe it is an important consumer protection provision that bills for service be based on actual usage whenever possible. The utilities counter that sometimes an actual meter reading cannot be obtained and suggest that requirements that go too far in requiring an actual meter reading might unnecessarily drive up costs to all consumers.

RESPONSE: In considering the comments, the commission will attempt to strike a balance between the consumer's need for certainty regarding their bill and the need to reduce costs by allowing for the use of estimated bills in appropriate circumstances.

COMMENT #3: Public Counsel asks the commission to insert the phrase "commission rules and" before the words "approved tariff" in section (1). According to Public Counsel, the change would make it clear that the utility must also follow the billing requirements of the regulation. The AARP group also expresses concern about section (1), contending that all consumer protections should be in the rule rather than in utility tariffs that are more difficult for consumers to access.

RESPONSE AND EXPLANATION OF CHANGE: The change proposed by Public Counsel may not be necessary because the utilities are required to comply with these rules whether or not Public Counsel's statement is added to the rule. However, including the phrase does not do any harm, and would make the utilities' obligations more clear to a customer who is reading the regulations. The commission will add the phrase requested by Public Counsel.

The AARP group's concerns about the reference to utility tariffs are unwarranted. It would be impractical for the commission to establish a one-size-fits-all billing procedure that would apply to all utilities through a regulation. Instead, consumer protections are established by rule, while the utilities are allowed to establish their own procedures that are not inconsistent with those regulations by means of tariffs filed with the commission.

COMMENT #4: Public Counsel, the AARP group, and other consumers, are concerned that paragraphs (2)(A)3. through (2)(A)7. would have the effect of inappropriately expanding the ability of utilities to impose estimated bills on their customers. They contend that the new provisions would allow the utilities to send out an estimated bill anytime the utilities equipment fails and would provide the utility with little incentive to maintain and repair its equipment. They believe the utility, not its customers, should bear the burden if utility-owned equipment fails. The utilities that commented about the rule support those paragraphs as an appropriate recognition of modern technology.

RESPONSE: The paragraphs to which the consumer groups object do have the effect of expanding the ability of a utility to rely on estimated bills when, for reasons beyond the utility's control, it is unable to obtain an actual meter reading; for example in some circumstances where company equipment, such as an automated meter reading device has failed. Subsequent provisions of the rule establish standards for the utilities to follow when determining an estimated bill.

The commission is not persuaded by the arguments presented by the consumers. While utilities are obligated to bill their customers for actual usage whenever possible, sometimes, for reasons beyond their control, they are unable to do so. Technological advances, such as automated meter reading devices have reduced the need for utilities to rely on estimated bills and the number of estimated bills sent to consumers has, as a consequence, dropped. But those technological advances have also created new circumstances in which it may be necessary for a utility to send out an estimated bill. The rule changes proposed by staff reasonably balance the consumer's interest in receiving a bill based on actual usage and the need to allow utilities to send out estimated bills without requiring them to unreasonably spend ratepayer dollars to chase the last possible actual meter reading. The commission will not make the changes proposed by the consumer groups.

COMMENT #5: Public Counsel is concerned that the proposed changes to section (3) would eliminate the right of a customer to self-read their meter whenever the utility is otherwise unable to obtain an actual meter reading. The Missouri Utilities looked at the same section and argue that the change does not go far enough. The Missouri Utilities would add the phrase "upon mutual agreement of the utility and the customer" to emphasize that customers do not have a right to self-read their meters without the consent of the utility.

RESPONSE: In one (1) regard, the concern of Public Counsel is unfounded. The changes proposed and published in the *Missouri Register* merely improve the readability of the regulation and do not change its substance. Really, Public Counsel is concerned about the change proposed by the Missouri Utilities. It should be emphasized that under the current regulation, as well as the change proposed by the Missouri Utilities, customers do not have an unbridled right to self-read their meters. Rather, the current regulation requires the utility to notify the customer of the option to self-read their meter if for some reason the utility is unable to obtain an actual meter reading for three (3) consecutive billing periods. If the utility does not want to

allow the customer that option, their remedy is to obtain an actual meter reading. There is no need to add the proposed language about a mutual agreement between the utility and customer to proceed with self-reading of the meter. The commission will make no additional change to section (3).

COMMENT #6: The AARP group proposes two (2) changes to section (7) of the existing rule. The commission has not proposed any changes to that section. The regulation currently requires that monthly-billed customers be allowed at least twenty-one (21) days to pay a bill after it is rendered, while quarterly-billed customers are allowed sixteen (16) days to pay their bill. The AARP group contends quarterly-billed customers should also be allowed twenty-one (21) days to pay their bills.

RESPONSE: The AARP group has not shown sufficient reason to change the payment time for quarterly-billed customers and since the change was not included in the proposed rule filed in the *Missouri Register*, interested stakeholders who might be able to explain the reason for the shorter payment period for quarterly-billed customers have not had an opportunity to respond. The commission will not make the change proposed by the AARP group.

COMMENT #7: The other change to section (7) proposed by the AARP group is to require utilities to allow their customers to choose a preferred payment date. The AARP group reasons that customers may be better able to pay their monthly bill on time if they can choose a preferred payment date closely following their receipt of a paycheck or benefit payment.

Again, this proposed amendment was not published in the *Missouri Register*, so the utilities have not had a full opportunity to respond. In their response at the hearing, the utility representatives in attendance explained that a choose-your-own-payment-date would not be workable precisely because most people would choose a due date just after the 1st or 15th of a month. Billings must be more evenly divided throughout the month because of the sheer number of bills that must be sent out during a month. Furthermore, billing due dates must be spread out to smooth the utility's incoming cash flow as payments are made. RESPONSE: Good management of the utilities' billing process requires that all bills cannot be sent out at times of the customers' choosing. Furthermore, every customer has twenty-one (21) days to pay their bill, so they already have significant flexibility in paying their bill. The commission will not make the allowance of a customer-chosen payment date mandatory.

COMMENT #8: The AARP group proposes a new section as follows: "A utility shall allow payment by mail, but may allow payment through telephone electronic transfer, or through a pay agent, pursuant to the customer's preference." The AARP group contends this provision will protect the right of consumers to pay their bill in any manner they choose.

RESPONSE: This amendment proposed by the AARP group was not published in the *Missouri Register* so interested persons have not had a full opportunity to comment. However, there is no reason to believe that customers are in any danger of not being allowed to pay their bills by mail. The commission will not add a provision to the rule simply to address speculation and fears about a phantom problem.

COMMENT #9: The AARP group proposes a new section as follows: "A utility may provide customers current bill status information via telephone, electronic transmission, or mail pursuant to the customer's preference." The AARP group's comment does not explain why this new section is needed.

RESPONSE: Again, the amendment proposed by the AARP group was not published in the *Missouri Register* so interested persons have not had a full opportunity to respond. The AARP group has not demonstrated a need for the amendment and the commission will not add the provision to the rule.

COMMENT #10: The AARP group proposes a new section as follows:

No utility may enter into any formal pay agent relationship with pawnshops, auto title loan companies, payday loan companies, or other entities that are engaged in the business of making unsecured loans of five hundred dollars (\$500) or less or that lend money where repayment is secured by the customer's postdated check.

The AARP group, and other consumer oriented commenters explain that this provision is needed to protect utility customers from predatory lenders who might convince a desperate customer to take out a predatory loan to avoid having their utility service shut off.

This proposed rule was not published in the *Missouri Register* so the opportunity to respond was limited. Kathy Hart, in her comments on behalf of Ameren Missouri said that Ameren Missouri sometimes makes billing arrangements with payday type lenders because that may be the only available retail location willing to be a pay agent in an isolated community.

RESPONSE: The commission is very concerned about the threat posed by predatory lending. However, this is a proposal that deserves full consideration and a fair opportunity for response before implementation. The commission denied a petition for rulemaking on this issue in 2011 (File No. AX-2010-0061), but the commission will direct its staff to bring this matter back to the commission for full consideration in a future rulemaking.

COMMENT #11: The AARP group proposes a new section to ensure that utilities do not charge extra fees or surcharges for rendering a bill or for issuing other essential billing information. This proposal was not published in the *Missouri Register*, so other interested stakeholders have not had an opportunity to respond.

RESPONSE: The AARP group has not demonstrated a need for the proposed section. There is no indication that any utility is contemplating such a surcharge and they could only do so by filing a tariff that the commission could suspend or reject. The commission will not add the provision to the rule.

4 CSR 240-13.020 Billing and Payment Standards

(1) A utility shall normally render a bill for each billing period to every residential customer in accordance with commission rules and its approved tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.025 Billing Adjustments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1366-1367). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company;

Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed. RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group proposes an amendment to subsection (1)(B), a subsection that the commission has not proposed to amend. That subsection currently allows a utility to bill for undercharges for up to twelve (12) monthly billing periods. The AARP group proposes to reduce that period to six (6) months, reasoning that a shorter look-back period would encourage the utility to avoid billing errors. Public Counsel proposes a similar shortening of the look-back period when the undercharge is attributed to the failure of a meter or an automatic meter reading device.

This proposal was not published in the *Missouri Register* so there has been no formal opportunity to comment. The utility representatives who commented at the hearing contend the current twelve (12)-month look-back period is appropriate.

RESPONSE: The twelve (12)-month look-back period for utility collection of undercharges is contrasted with the sixty (60)-month look-back period established in subsection (1)(B) for utility refunds to customers for overcharges. Seen in that light, the twelve (12)-month look-back period for undercharges is a reasonable balancing of utility and consumer interests. The commission will not amend the subsection in the manner proposed.

COMMENT #3: The commission proposes to add a new subsection (1)(C) that allows a customer to repay an overcharge over a period at least twice as long as the period covered by the adjusted bill. So, if the undercharge was incurred over three (3) months, the customer could repay the undercharge over six (6) months. The AARP group would allow the customer to repay over twice the period covered by the adjusted bill or twelve (12) months, whichever is longer.

The Missouri Utilities would go the other direction and allow the customer only the length of time in which the undercharge was incurred to repay the undercharge. In addition, the Missouri Utilities would require the customer to enter into a formal repayment agreement to use even that amount of time to repay the undercharge.

Public Counsel supports the double repayment period contained in the rule as published in the *Missouri Register*.

RESPONSE: The proposed subsection published in the *Missouri*

Register is a reasonable balancing of utility and consumer interests. There is insufficient reason to allow a minimum of twelve (12) months to repay an undercharge in all instances, even when the undercharge occurred in a single month. On the other hand, the utilities' proposal is unduly one (1)-sided and fails to protect the consumer interest. The commission will not change the language published in the *Missouri Register*.

COMMENT #4: Public Counsel proposes to add a section to require utilities to demonstrate that they have complied with the estimated billing requirement of these rules before they can collect an undercharge adjustment from their customers. To that end, Public Counsel proposes the following:

No undercharge adjustment shall be made for usage that was previously estimated and where the utility has not complied with 4 CSR 240-13.020 subsections (1), (2), (3), and (4), and adequately documented and retained records of such compliance.

This proposal was not published in the *Missouri Register*, so there has been only a limited opportunity for interested stakeholders to respond to Public Counsel's proposal.

RESPONSE: The commission certainly expects the utilities to comply with all its rules, but Public Counsel's documentation and retention requirements could impose an undue burden on the utilities and ultimately the ratepayers. The commission will not include the provision proposed by Public Counsel in the rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1367-1368). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy

Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: Public Counsel proposes a slight change of language in subsection (1)(A). It would replace the words "an unpaid bill" with "a past-due bill." Public Counsel proposes that change so that it is clear that the utility can require a deposit because an applicant for service has a past-due bill, not just because the applicant has an unpaid bill that is not yet due.

RESPONSE AND EXPLANATION OF CHANGE: Public Counsel's proposed change is helpful and will be adopted.

COMMENT #3: The commission proposes to modify subsection (1)(C) in a way that would modify the utilities' ability to use an applicant's credit score when deciding whether to require the applicant to post a deposit before establishing utility service. The current rule allows a utility to establish an acceptable credit rating under standards contained in the utility's tariff. However, the rule also allows the applicant to *prima facie* establish an acceptable credit rating if he or she 1) owns or is purchasing a home; 2) is and has been regularly employed on a full-time basis for at least one (1) year; 3) has a regular source of income; or 4) can provide adequate credit references from a commercial credit source.

The amended rule as published in the *Missouri Register* would retain the four (4) alternative criteria for establishing an acceptable credit rating, but would allow applicants the use of those criteria only if they have an insufficient credit history to determine a credit score. Applicants for whom the utility could obtain a credit score would be bound by that credit score with no alternative means of establishing an acceptable credit rating.

The utilities that require deposits from applicants for service prefer to use what they believe to be the more definite criteria of a credit score when deciding which applicants must post a deposit. They contend an applicant's credit score is a very reliable indicator of that applicant's likely willingness or ability to pay their utility bill. They argue that the *prima facie* indicators of credit worthiness as used in the existing rule are more subjective and less reliable indicators of willingness or ability to pay.

The utilities would modify the rule further by specifically recognizing a utility's right to use credit scoring to determine an acceptable credit rating. Under their proposal, applicants would be allowed to rely on the four (4) *prima facie* indicators of credit worthiness only if the utility has no tariffed standards. Applicants who have no credit score would be deemed to have failed to establish an acceptable credit rating and presumably would be required to post a deposit.

The AARP group, Public Counsel, and other consumer oriented commenters are opposed to the use of credit scoring in determining which applicants for utility service will be required to post a deposit. They are concerned that deposit requirements can make it very difficult for low income people to obtain utility service. Such applicants may be able to pay their monthly bills, but would have a great deal of difficulty in coming up with the extra cash to post a deposit. They worry that credit scores may be overly rigid and as a result may not present a true picture of an applicant's ability or willingness to pay

their utility bills. In general, the consumer oriented commenters would prefer to err on the side of allowing people to obtain needed utility service without facing the barrier imposed by a deposit requirement.

RESPONSE: Utilities and their customers, who ultimately must pay for a utility's bad debt, have a legitimate interest in ensuring that new applicants for utility service are able and willing to pay for that service. One (1) way utilities can protect that interest is by requiring a deposit from those customers who may have difficulty in paying their utility bills. The use of a credit score to determine the need for such a deposit is a fair and objective means of making that determination. Other provisions of the rule place limits on the amount of those deposits and allow a customer to pay the deposit in installments. As a result, the requirement of a deposit should not be an insurmountable barrier to obtaining utility service. However, the *prima facie* indicators of credit worthiness contained in the rule should still be available for use by those few customers who do not have a credit score. For that reason, the commission will not modify the rule as proposed by the Missouri Utilities. The revisions as published in the *Missouri Register* will be retained.

COMMENT #4: Public Counsel also offers a more general comment about utility credit standards. Public Counsel explains that the current regulation allows utilities to establish their own acceptable credit rating within their own tariffs. Public Counsel suggests the commission should instead establish a uniform credit standard that would apply to all utilities and all ratepayers.

RESPONSE: While the regulation allows utilities to establish their own acceptable credit ratings within their tariffs, the commission still has authority to control the contents of those tariffs by suspending or rejecting proposed tariff changes. Nevertheless, Public Counsel's desire for a uniform standard may have merit. The commission cannot create such a standard on the fly at this stage of the rulemaking process. But, if Public Counsel, or any other interested person, is interested in further examining that possibility, they are welcome to file an appropriate petition for rulemaking to bring the matter before the commission.

COMMENT #5: Public Counsel questions the revised language of subsection (2)(C), complaining that the language is unclear. Rick Zucker, representing Laclede Gas Company agreed that the language was unclear, but pointed out that the intent of the new language was to mirror the language of a statute, section 393.152, RSMo (Supp. 2013). Zucker advised the commission to closely examine the statute to be sure the language of the regulation does indeed match that of the statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission has examined the statute and confirms that the language of the regulation matches that of statute. The confusion comes from some missing context in the regulation. The first part of the subsection, the existing regulation, allows a utility to require a deposit from an existing customer that has failed to pay their bill in five (5) of the previous twelve (12) months. The statute creates an exception that forbids the utility to require a deposit if the customer has made partial payments on his or her bill during that period. That is the exception that the rule revision is attempting to incorporate.

The problem is some missing words after the phrase "notwithstanding the foregoing" that would make it clear that the new language is an exception to the utilities' right to impose a deposit on a customer. That problem can be corrected by inserting "a utility may not require a deposit from a customer if." The rule would then read "Notwithstanding the foregoing; a utility may not require a deposit from a customer if such customer has consistently made a payment ..."

COMMENT #6: The commission has proposed to modify subsection (4)(A). The current regulation limits an allowable deposit to an amount two (2) times the customer's highest bill. The revised regulation, as published in the *Missouri Register*, would add an alternative to allow

a utility to require a deposit in an amount four (4) times the customer's average bill. The utility would choose which measurement to apply in its tariff.

The AARP Group, Public Counsel and Jacqueline Hutchinson suggest that the regulation be modified to allow the utility to charge two (2) times the highest bill, or four (4) times the average bill, whichever results in a smaller deposit. In response, Rick Zucker, representing Laclede Gas Company, explained that the alternative language was added to the rule to accommodate the computer systems of different utilities. He indicated Laclede's computer could determine an amount four (4) times an average bill, but could not reliably determine a maximum bill. Another utility's computer might have the opposite weakness. As a result, the alternative measures are not meant to create a comparison between the two (2) to determine either a higher or lower deposit amount. Requiring such a comparison would, in fact, eliminate the reason for creating the alternative measures.

RESPONSE: The commission agrees with Mr. Zucker's explanation and will not modify the rule as proposed by the AARP Group, Public Counsel and Jacqueline Hutchinson.

COMMENT #7: Subsection (4)(G) establishes requirements for a utility to return a deposit to a customer even if the customer cannot produce an original receipt for the payment of the deposit. The proposed revision published in the *Missouri Register* would modify the language of the section to make it more readable and would impose a five (5)-year limitation on the requirement to refund a deposit to a customer who cannot produce an original receipt. Public Counsel objects to the five (5)-year limitation and would add an affirmative requirement that the utility make all reasonable efforts to return a deposit to its customer when the customer is entitled to the return of their deposit.

RESPONSE AND EXPLANATION OF CHANGE: The five (5)-year limitation contained in this subsection is quite narrow and in this context is reasonable. The five (5)-year limitation does not allow a utility to keep a deposit after five (5)-years in all circumstances. Instead, the five (5) year limitation applies only when the customer cannot produce a receipt for the payment of the deposit. The previous subsection of the rule, (4)(F) requires the utility to give its customer such a receipt unless the existence of a deposit is tracked on the customer's bill. Thus, the five (5)-year limitation comes into play only if the customer cannot produce a receipt and the deposit is not tracked on the customer's bill. In that circumstance, the five (5)-year limitation is a reasonable protection for the utility against unverifiable claims for the return of a deposit.

The second part of Public Counsel's comment is more persuasive. A review of the entire regulation reveals that there is no requirement placed on a utility to affirmatively attempt to return a deposit to a customer. Subsection (4)(G) is not the best place to impose such a requirement. Rather, subsection (4)(B) currently requires the utility to keep records of efforts to return deposits. The commission will insert a requirement that the utility make all reasonable efforts to return deposits to customers in subsection (4)(B).

COMMENT #8: Public Counsel indicated its opposition to any comment by the utilities that would ask the commission to modify the rule to allow the utilities to deny customers the ability to pay a required deposit in installments if the customer does not have an acceptable credit rating.

RESPONSE: No commenter offered such a proposal and the commission will not make such a modification.

4 CSR 240-13.030 Deposits and Guarantees of Payment

(1) A utility may require a deposit or other guarantee as a condition of new residential service if—

(A) The applicant has a past-due bill, which accrued within the last five (5) years and, at the time of the request for service, remains

unpaid and not in dispute with a utility for the provision of the same type of service;

(2) A utility may require a deposit or guarantee as a condition of continuing or re-establishing residential service if—

(C) The customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods, or two (2) quarters out of four (4) consecutive quarters. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice. Notwithstanding the foregoing; a utility may not require a deposit from a customer if such customer has consistently made a payment for each month during the twelve (12) consecutive months, provided that each payment is made by the delinquent date; and each payment made is at least seventy-five dollars (\$75) or twenty-five percent (25%) of the total outstanding balance, provided that the total outstanding balance is three hundred dollars (\$300) or less. This provision shall not apply to any customer whose total outstanding balance exceeds three hundred dollars (\$300) or to any customer making payments under a payment plan previously arranged with the utility.

(4) A deposit shall be subject to the following terms:

(B) It shall bear interest at a rate specified in the utility's commission-approved tariffs, which shall be credited annually to the account of the customer or paid upon the return of the deposit to the customer, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. The utility shall make all reasonable efforts to return a deposit to its customer when the customer is entitled to the return of their deposit and shall keep records of efforts to return a deposit. This rule shall not preclude a utility from crediting interest to each service account during one (1) billing cycle annually;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.035 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1368-1369). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group);

Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.
RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The revised version of section (1) as published in the *Missouri Register* would add a requirement that when a utility refuses to provide service to an applicant it must inform the applicant of that decision "verbally, if recorded and retained, or written upon applicant request, unless otherwise specified." The AARP group urges the commission to require that all refusals to provide service be in writing. They believe that the existence of a written refusal will better inform applicants of their rights under these regulations. KCP&L and GMO, as well as Missouri-American Water Company, believe that requiring verbal denials to be recorded and retained would be unduly expensive and ask the commission to eliminate that requirement from the rule. Ameren Missouri also objects to requiring a written refusal, even when requested by the applicant, arguing such a requirement would be costly.

RESPONSE: The commission agrees with the AARP group, a denial of utility service is an important decision that can have dire consequences for an applicant. The applicant should be informed of such an important decision in writing so they can be better informed about their rights. The commission will adopt a slightly modified version of the language proposed by the AARP group to replace the language published in the *Missouri Register*.

COMMENT #3: The commission proposes to modify subsection (1)(A) to provide that a utility can refuse service to an applicant for failure to pay a delinquent utility charge for services provided by that utility or its affiliate that is not subject to dispute under 4 CSR 240-13.045, the commission regulation that governs disputes. The AARP group would eliminate the requirement that the disputed charge be the subject of a formal dispute under the commission's rules. According to the AARP group a simple statement by the applicant that they dispute the charge should be sufficient to prevent the utility from using that charge as a basis to deny service.

The Missouri Utilities contend the proposed regulation's simple reference to a dispute under the commission's rule on disputes is insufficient and would add specific references to the provisions of that rule on disputes to make it clear that the utility can still deny services based on its assertion that a dispute about a bill is frivolous.

RESPONSE AND EXPLANATION OF CHANGE: The AARP group's proposal would essentially allow an applicant to declare a delinquent utility charge to be subject to dispute simply by declaring it to be so. The utility could then not use that "disputed" charge as the basis for a denial of future service and the applicant would never

have to establish the basis for their dispute. Obviously such a rule would be unfair to the utility and to those utility ratepayers who would have to pay those unpaid charges.

On the other hand, the Missouri Utilities' proposal would require the applicant to register its dispute twenty-four (24) hours before it makes a service request. Since this area of disagreement frequently arises when the utility attempts to deny service to an applicant for an unpaid charge incurred at some other location, and perhaps by another person, the Missouri Utilities proposal could require the applicant to register its dispute before he or she is even aware that the utility is claiming they owe a past due charge. Obviously, that is not reasonable.

Missouri Utilities also proposes that outside the Cold Weather Rule period, if a utility asserts a dispute is frivolous, it should be able to defer commencing service until a decision is rendered under rule 4 CSR 240-13.045(4). That is a procedure in the existing dispute rule that allows for an expedited review of the allegedly frivolous dispute by the commission's consumer services department. It is reasonable to allow the application of the same provision if the dispute rule is to be applied to the denial of service. The commission will add that provision to the amended rule as published in the *Missouri Register*.

COMMENT #4: Missouri-American Water Company expresses concern that the notice requirement in section (1) differs from the notice requirement in paragraph (1)(C)1.

RESPONSE: The notice requirements are different because they serve different purposes. The general notice requirement in section (1) applies when the utility denies service to an applicant for any reason. The more specific notice requirement in paragraph (1)(C)1. only applies when the utility has denied service because the applicant has failed to provide access to allow the utility to inspect, maintain, or replace utility equipment. The notice requirements are not inconsistent and the commission will not change the rule in response to Missouri-American's comment.

4 CSR 240-13.035 Denial of Service

(1) When the utility refuses to provide service to an applicant, it shall inform the applicant in writing, and shall maintain a record of the written notice. A utility may refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay a delinquent utility charge for services provided by that utility or by its regulated affiliate that is not subject to dispute under applicable dispute review provisions of 4 CSR 240-13.045. Outside of the Cold Weather Rule period, if the utility asserts that a dispute is frivolous, it may defer commencing service until a decision is rendered under 4 CSR 240-13.045(4).

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Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.040 Inquiries is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1369-1370). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

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Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.045 Disputes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1370-1371). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light

Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT #2: Section (6) in the current rule provides that when a customer and utility are unable to agree about the amount in dispute, the customer must pay to the utility, at the utility's option, up to half of the charge in dispute or an amount based on usage during a similar period that is not in dispute. The amendment published in the *Missouri Register* would remove the utility's option and instead require payment of the lesser amount. Missouri-American Water Company contends the current rule giving the utility the option of which amount is to be required is reasonable and should not be changed.

RESPONSE: The commission disagrees with Missouri-American's comment. Removing the utility's option about which amount a customer must pay more evenly balances the utility's interest against that of the consumer who is disputing a charge.

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Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1371-1375). Those sections with changes are

reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The AARP group and Jacqueline Hutchinson oppose provision of subsections (1)(C) and section (6) that authorize a water utility to discontinue service to the water utility's customer for non-payment of a sewer charge by a sewer utility with which the water utility has a billing arrangement. The AARP group and Hutchinson are concerned that such an arrangement would be against the public interest because it would allow essential utility service to be shut off for non-payment of unrelated debts.

Missouri-American Water Company responds by pointing out that the shutoff of water service for non-payment of a sewer bill is specifically authorized by Missouri statute.

RESPONSE: Missouri-American is correct. The change in subsection (1)(C) and section (6) merely brings the commission's regulation into line with sections 393.015 and 393.016, RSMo (Supp. 2013). The commission will not change subsection (1)(C) and section (6) beyond the changes published in the *Missouri Register*.

COMMENT #3: The AARP group, supported by Public Counsel, would add a new subsection to section (2) to prohibit a utility from disconnecting service for "failure to pay estimated charges unless the customer has unreasonably hindered the utility's attempt to obtain an actual meter reading." The AARP group and Public Counsel contend the restriction would encourage utilities to make every effort to obtain an actual reading rather than rely on estimated charges.

Rick Zucker, representing Laclede Gas Company, counters that preventing disconnection based on an estimated bill would eliminate the value of an estimated bill; why go to the trouble of estimating a bill if the customer does not have to pay it. Furthermore, Zucker argues that prohibiting disconnection for an estimated bill would give

the customer a strong incentive to do anything possible to prevent the utility from obtaining an actual meter reading.

RESPONSE: The proposed blanket prohibition on disconnection for an estimated billing is unnecessary. If a customer believes that an estimated bill is incorrect, he or she can avoid disconnection by disputing the charge. But completely banning disconnection for an estimated bill could make it difficult, if not impossible, for a utility to collect a legitimate debt and throw the burden of that debt on the utility's other customers, who will ultimately pay for the utility's bad debts. The commission will not add the provision sought by the AARP group to the rule.

COMMENT #4: The amendment to section (3) as published in the *Missouri Register* would allow a utility to disconnect service anytime between 7:00 a.m. and 7:00 p.m., so long as the utility is accessible to receive a reconnection request at least an hour after disconnection. The current rule forbids disconnection before 8:00 a.m. and after 4:00 p.m.

The AARP group, Public Counsel, and Jacqueline Hutchinson oppose expanding the time allowed for disconnection. They fear that an evening shutoff would occur too late for the customer to contact social welfare agencies in an attempt to get services restored as those agencies would likely close at 5:00 p.m.

Laclede and Ameren Missouri support expanded disconnect hours because doing so would allow them to operate more efficiently.

RESPONSE AND EXPLANATION OF CHANGE: The commission understands the consumer group's concern. An evening disconnection could make it harder for a customer to seek needed assistance to restore service before they face a cold, dark night without utility service. The commission will not change the 8:00 a.m. to 4:00 p.m. time allowed for disconnection.

COMMENT #5: The commission published a new section (4) in the *Missouri Register* that would allow a utility to replace some written and verbal notices to a customer with an electronic notice if the customer had previously agreed to receive billing and other notices electronically. The rule would still require at least one (1) written notice ninety-six (96) hours before discontinuance of service, or a phone call twenty-four (24) hours before discontinuance.

The AARP group opposes allowing electronic notice to replace written and oral notice, reasoning that a customer who is about to be disconnected may have already lost internet service and would fail to receive the notice of disconnection. The Missouri Utilities group and KCPL/GMO generally support the new section, but they would clarify the language published in the *Missouri Register* by requiring written notice to be hard copy and by creating a window for notice by requiring the hard copy notice to be given at least ninety-six (96) hours before disconnection or the phone call to be made at least twenty-four (24) hours before disconnection.

RESPONSE AND EXPLANATION OF CHANGE: The concerns of the AARP group are well founded. Internet access could be the first service lost to a customer facing economic difficulties and that could prevent the customer from being made aware of a pending disconnection until they get a phone call twenty-four (24) hours before they lose service. By then it might be too late for them to obtain help. The commission will not allow electronic service to be substituted for the written and verbal notice required elsewhere in the rule.

The AARP group suggested that section (4) could be amended to simply remove the words "in place of any written and verbal notices." However, since the utility will not be allowed to substitute electronic service for other means of service, and would still have to send out all other written and oral notice required by the regulations, there is no longer any need for the new section (4) and it will be removed from the rule in its entirety. All succeeding sections will be renumbered accordingly.

COMMENT #6: Section (8) of the current rule (renumbered as section (10) in the proposed rule as published in the *Missouri Register*) requires a utility employee who is actually disconnecting service to a

residence to first knock on the customer's door to announce their presence and to let the customer know that disconnection is proceeding. The rule does not require any actual contact with the customer, just that the door knock occur. The rule also allows the utility employee to skip the door knock if knocking on the door would endanger his or her safety. The commission has not proposed to change the door knock requirement.

The Missouri Utilities group and KCPL/GMO propose to eliminate the door knock requirement to protect the safety of their employees who do not always know what might be facing them when they knock on a door to tell the residents that their utility service is being disconnected.

The AARP group, Public Counsel, and Jacqueline Hutchinson strongly urge the commission to keep the door knock requirement in place. They believe a knock on the door will often reveal the presence of some person or circumstance that would make a disconnection of utility service a threat to the health or wellbeing of the resident. For example, the door knock might reveal that a resident has electronic medical equipment in use and would be harmed if service is disconnected. One (1) utility, Missouri-American Water Company expressed continued support for the existing door knock rule.

RESPONSE: The commission continues to agree with the consumer groups. The door knock requirement as it currently exists in the rule is a proper balancing of the interest of the safety of utility employees against the need to protect the health and welfare of vulnerable customers. The commission will not change the door knock rule.

COMMENT #7: The commission has proposed an extensive amendment to section (11), formerly section (9), which delays disconnection for twenty-one (21) days if the customer or someone in their home is facing a medical emergency that will be aggravated by the discontinuance of utility service. The commission's staff indicates the proposed expansion of the rule is designed to reduce the subjectivity of the rule and to provide more guidance to the utilities trying to comply with the rule.

The Missouri Utilities group and Missouri-American Water Company indicate they have no problem with the current rule and prefer that more study be done before the rule is changed. They also express concern that proposed changes to this section were not discussed with the utilities during the workshops prior to the publication of the proposed amendment. John Coffman, representing the AARP group, also suggested more study would be appropriate before changing the current rule.

The only commenter that supports a change in the rule is KCPL/GMO. That utility believes the changes are appropriate and necessary. They also propose several technical changes to various subsections of section (11) that they believe will improve operation of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that more study of this section is needed before extensive changes are made. The commission will eliminate the changes to the section that were published in the *Missouri Register*.

COMMENT #8: The Missouri Utilities group proposes that section (13) be amended to eliminate any priority for reconnecting disconnected customers over customers who have applied for new service.

RESPONSE: The current rule's establishment of priority for reconnecting a disconnected customer is appropriate because such a customer is likely to be in more dire circumstances than an applicant waiting for service to be established at a new residence, as such applicant is likely to have a place to live while service in a new residence is established. In contrast, a customer who has been disconnected is likely sitting in the cold and dark while waiting for service to be restored. The commission will not make the change proposed by the Missouri Utilities group.

4 CSR 240-13.050 Discontinuance of Service

(3) On the date specified on the notice of discontinuance or within

thirty (30) calendar days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the thirty (30) calendar day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a payment agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

(5) An electric, gas, or water utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. Except, a water utility shall not be required to provide notice when discontinuing water service for nonpayment of sewer bill by the terms of a contract between the water utility and any sewer provider, when the sewer provider has duly issued notice of discontinuance of service to its customer. A sewer utility shall not discontinue residential sewer service pursuant to section (1) unless written notice by certified mail return receipt requested is sent to the customer at least thirty (30) days prior to the date of the proposed discontinuance; except:

(A) A water utility that is also a sewer utility and issues combined water and sewer billing may discontinue residential water service for nonpayment of the portion of a bill that is for residential sewer service after sending notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of providing specific notice of discontinuance of sewer service;

(B) A water utility may discontinue residential water service for nonpayment of a bill for residential sewer service from any sewer provider, by the terms of a contract between the water utility and any sewer provider, if the water utility issues sewer billing on behalf of the sewer provider combined with its water billing, after providing notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer provider sending any notice to the customer;

(C) A sewer utility may discontinue residential sewer service by arranging for discontinuance of water service with any water provider, by the terms of a contract between the sewer utility and the water provider, if the water provider issues combined water and sewer billing, after the water provider provides notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer utility sending any notice to the customer.

(6) A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

(7) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer; and

(C) In the case of a multidwelling unit residential building where each unit is individually metered or in the case of a single family residence, the notice provided to the occupant of the unit about to be discontinued shall outline the procedure by which the occupant may apply in his/her name for service of the same character presently received through that meter.

(D) In the case of a multidwelling unit residential building where each unit is individually metered and the utility seeks to discontinue service for any lawful reason to at least one (1), but not all of the units in the building, and access to a meter that is subject to discontinuance is restricted, such as where the meter is located within the building, the utility may send written notice to the owner/landlord of the building, unit(s) or the owner/landlord's agent (owner) requesting the owner to make arrangements with the utility to provide the utility access to such meter(s). If within ten (10) days of receipt of the notice, the owner fails to make reasonable arrangements to provide the utility access to such meter(s) within thirty (30) days of the date of the notice, or if the owner fails to keep such arrangements, the utility shall have the right to gain access to its meter(s) for the purpose of discontinuing utility service at the owner's expense. Such expenses may include, but shall not be limited to, costs to pursue court-ordered access to the building, such as legal fees, court costs, sheriff's law enforcement fees, security costs, and locksmith charges. The utility's right to collect the costs for entry to its meter will not be permitted if the utility fails to meet the obligation to keep the access arrangements agreed upon between owner and the utility. Notice by the utility under this section shall inform owner (a) of the utility's need to gain access to its meter(s) to discontinue utility service to one (1) or more tenants in the building, and (b) of the owner's liability in the event that owner fails to make or keep access arrangements. The notice shall state the utility's normal business hours. The utility shall render one (1) or more statements to the owner for any amounts due to the utility under this section. Any such statement shall be payable by the delinquent date stated thereon, and shall be

subject to late payment charges at the same rate provided in the utility's tariff pertaining to general residential service.

(8) At least twenty-four (24) hours preceding discontinuance, a utility shall make reasonable efforts to contact the customer to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

(9) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

(10) Notwithstanding any other provision of this rule, a utility shall postpone a discontinuance for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency, if requested, shall provide the utility with reasonable evidence of the necessity.

(11) Notwithstanding any other provision of this rule, a utility may discontinue residential service temporarily for reasons of maintenance, health, safety, or a state of emergency.

(12) Upon the customer's request, a utility shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid and, if required, satisfactory credit arrangements have been made. At all times, a utility shall make reasonable effort to restore service upon the day service restoration is requested, and in any event, restoration shall be made not later than the next working day following the day requested by the customer. The utility may charge the customer a reasonable fee for restoration of service, if permitted in the utility's approved tariffs.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1375). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT #2: The commission did not propose any substantive changes to the cold weather rule. However, the AARP group and Public Counsel point to provisions in the rule that provide special protections to households that contain elderly or disabled persons who have registered their presence with the utility. The AARP group and Public Counsel propose that the commission add a provision to the rule to require the utilities to advertise the need for such customers to register to take advantage of those extra protections. Rick Zucker, representing Laclede Gas Company, indicated the rule change is not necessary as Laclede already provides notice about the requirements and protections of the cold weather rule to its customers and to social service agencies.

RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group and Public Counsel.

COMMENT #3: The AARP group proposes a change to section (5), which prohibits disconnection on certain days during the cold weather period when the temperature is predicted to drop below thirty-two degrees (32°). The AARP group is concerned that sometimes the actual temperature drops below thirty-two degrees (32°) when the predicted temperature was above thirty-two degrees (32°). It would amend the rule to provide that disconnections cannot proceed when the actual temperature is below thirty-two degrees (32°).

RESPONSE: The commission did not attempt to address the details of the cold weather rule for this rulemaking. This is a complex rule that requires further discussion in additional workshops before attempting to add a new provision that has not been discussed with interested stakeholders and that could have unintended consequences. The commission will not make the change proposed by the AARP group.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential
Customers of Electric, Gas, Sewer, and Water Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1375-1376). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People's Community Action Corporation in St. Louis Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

COMMENT #2: In one of its comments to 4 CSR 240-13.015, Public Counsel objected to part of that rule's definition of "payment

agreement.” The commission agreed with that objection and indicated it would move the objected to portion of the definition to this rule. The language in question limited the duration of such payment agreements to twelve (12) months unless the customer and utility agree to a longer period.

RESPONSE AND EXPLANATION OF CHANGE: The commission will insert that time limitation at the end of section (2).

COMMENT #3: Public Counsel objects to the proposed elimination of section (4), which authorizes the utility and its customer to enter into an extension agreement when the customer claims an inability to pay their bill on time.

RESPONSE: The amendment is not eliminating authority to enter into an agreement to extend time to pay a utility bill. Rather, it is eliminating the term “extension agreement” here, and in 4 CSR 240-13.015, as an unnecessary duplication of a “payment agreement.” The commission will not make the change proposed by Public Counsel.

4 CSR 240-13.060 Settlement Agreement and Payment Agreement

(2) Every payment agreement resulting from the customer’s inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider the following: the size of the delinquent account, the customer’s ability to pay, the customer’s payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding, and any other relevant factors relating to the customer’s service. Such a payment agreement shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250(6) and 393.140(11), RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.070 Commission Complaint Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 3, 2013 (38 MoReg 1376-1377). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 7, 2013, and the commission held a public hearing on the proposed amendment on October 10, 2013. The commission received timely written comments from Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Laclede Gas Company, Ameren Missouri, and The Empire District Electric Company (collectively the Missouri Utilities); the Office of the Public Counsel; Jacqueline Hutchinson, Vice President of Operations for People’s Community Action Corporation in St. Louis

Missouri; AARP, the Consumers Council of Missouri, and Legal Services of Eastern Missouri, Inc. (collectively the AARP group); Missouri-American Water Company; and the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Rick Zucker, representing Laclede Gas Company and Missouri Gas Energy; Jim Fischer, representing Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company; Allison Erickson on behalf of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (KCP&L and GMO); Russ Mitten, representing The Empire District Electric Company; Sarah Giboney, representing Ameren Missouri; Kathy Hart on behalf of Ameren Missouri; Tim Luft, on behalf of Missouri-American Water Company; Marc Poston, representing the Office of the Public Counsel; John Coffman, representing AARP and Consumers Council of Missouri; Jacqueline Hutchinson on behalf of Community Action Corporation in St. Louis Missouri; Jackie Lingum, representing Legal Services of Eastern Missouri, Inc.; Akayla Jones, representing the staff of the Missouri Public Service Commission; and Gay Fred and Lisa Kremer on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eleven (11) other rules within Chapter 13. Not all persons offering comments addressed this particular rule.

COMMENT: The commission’s staff offered a written comment indicating that it continues to support the amendment as proposed.

RESPONSE: The commission thanks staff for its comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1480). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission’s staff over the last four (4) years to craft these amendments.

In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the commission's representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the

commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The commission's staff offered a written comment suggesting additional changes to the amendment as published in the *Missouri Register*. Subsection (4)(A) of the amendment as published allows the director one (1) year to conduct an initial inspection of the set-up of a home. The amended rule would measure that one- (1-) year inspection period from the date the dealer reports the delivery of the home to the consumer, or if not reported, from the date the commission becomes aware of the delivery. Staff proposes to simplify the start of the one- (1-) year inspection period to the date the home is installed. Staff believes this would provide a more definite "trigger" date for the inspection. The persons commenting on behalf of the manufactured housing industry did not respond to this additional change proposed by staff.

RESPONSE AND EXPLANATION OF CHANGE: The commission is concerned that the representatives of the manufactured housing business and other interested persons did not have a substantial opportunity to respond to this proposed modification of the amendment as published in the *Missouri Register* since staff did not propose it until it filed its written comments nine (9) days before the hearing. However, the commission shares staff's concern that the amendment as published would start the one- (1-) year inspection period from the inherently uncertain date of when the dealer reports the delivery of the home to the consumer or, even less certainly, when the commission becomes aware of the delivery. Staff's revised proposal to measure the inspection period from the date the home is installed will provide a more definite "trigger" date and should benefit both consumers and dealers. The commission will revise subsection (4)(A) as proposed by staff.

COMMENT #5: New subsection (4)(C) requires the dealer to submit a property locator form to the commission indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer's location. The subsection, as published in the *Missouri Register*, states that the property locator form will be provided by the commission. In its written comments, the commission's staff attaches a draft of the locator form dealers will be required to use.

Darrell Myers objected to the cost of completing this new paperwork and complained that the form would require him to violate the privacy of his customers by providing the customer's name and address to the state.

Staff replied to Mr. Myers by explaining that prompt submission of the property locator form is needed to allow its inspectors to schedule their inspections of the setup of the home. Staff also explains that any customer information submitted to the commission must remain confidential by Missouri statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes the requirement to submit a property locator form imposed by the new subsection (4)(C) as published in the *Missouri Register* is appropriate. The privacy of customer information will be maintained and the additional cost to dealers is reasonable in light of the need to efficiently schedule required inspections.

The revision proposed by staff in its October 16 comment that would require dealers to use the locator form provided by the commission is an improvement that will make the form more accessible to dealers and to the public. The commission will incorporate that revision into the rule.

COMMENT #6: New subsection (4)(D) as published in the *Missouri Register* indicates the commission may assess a fifty dollar (\$50) per home inspection fee against dealers who fail to submit the property locator form by the due date. In its comments filed on October 16,

staff proposes to change the “may” to “shall,” thereby removing the commission’s discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director’s discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a short deadline.

RESPONSE: New subsection (4)(D) as published in the *Missouri Register* allows the commission to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a property locator form in a timely manner. However, staff’s proposal to modify that subsection to remove the commission’s discretion regarding the assessment of that fee is not necessary. The commission has the expertise to exercise its reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change “may” to “shall” in the subsection.

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities

(4) The commission shall not so discipline the dealer’s registration unless the director of the commission’s manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale, subject to the following, effective the first day of the month after the effective date of this amendment:

(A) The director will have a period of one (1) year from the date the home is installed to conduct the initial inspection of the home setup;

(C) Dealers shall submit to the commission a property locator indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer’s location or the manufacturer’s location if the home is shipped directly to the consumer. For multi-section homes the forty-eight (48) hours begins when the first section leaves the dealer’s or manufacturer’s location. The dealer shall use the property locator form provided by the commission;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.085 Re-Inspection Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1481). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission

received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission’s staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff’s proposal to change “may” to “shall” in several penalty provisions so as to remove staff’s discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects. Mr. Hager did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some “bad guys” around. However, he wants the commission to take action against the “bad guys” without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change “may” to “shall” to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are “bad guys” in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the “good guys” must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers’ concerns in its response to the specific provisions to which he objects. Mr. Myers did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed \$500 in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The commission's staff offered a written comment supporting the amendment as published in the *Missouri Register*.

RESPONSE: The commission thanks staff for its comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-120.130 Monthly Report Requirement for Registered
Manufactured Home Dealers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1481-1482). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will

reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to

obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The proposed amendment to section (3) as published in the *Missouri Register* indicates the director may assess a fifty dollar (\$50) per report inspection fee against dealers who fail to submit a monthly sales report within sixty (60) days of the date such report is due. In its comments filed on October 16, staff proposes to change the “may” to “shall,” thereby removing the director’s discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director’s discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a deadline.

RESPONSE: The amendment to section (3) as published in the *Missouri Register* allows the director to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a monthly sales report in a timely manner. However, staff’s proposal to modify that subsection to remove the director’s discretion regarding the assessment of that fee is not necessary. The director has the expertise to exercise reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change “may” to “shall” in the section.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-123.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1482-1483). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri*

Register. He indicated that the association has worked with the commission’s staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff’s proposal to change “may” to “shall” in several penalty provisions so as to remove staff’s discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some “bad guys” around. However, he wants the commission to take action against the “bad guys” without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change “may” to “shall” to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are “bad guys” in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the “good guys” must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers’ concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers’ compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer’s property. The dealer will already be aware of the information the commission

is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The commission's staff offered a written comment suggesting additional changes to the amendment as published in the *Missouri Register*. New section (5) of the amendment as published allows the director one (1) year to conduct an initial inspection of the set-up of a home. The amended rule would measure that one- (1-) year inspection period from the date the dealer reports the delivery of the home to the consumer, or if not reported, from the date the commission becomes aware of the delivery. Staff proposes to simplify the start of the one- (1-) year inspection period to the date the home is installed. Staff believes this would provide a more definite "trigger" date for the inspection. The persons commenting on behalf of the manufactured housing industry did not respond to this additional change proposed by staff.

RESPONSE AND EXPLANATION OF CHANGE: The commission is concerned that the representatives of the manufactured housing business and other interested persons did not have a substantial opportunity to respond to this proposed modification of the amendment as published in the *Missouri Register* since staff did not propose it until it filed its written comments nine (9) days before the hearing. However, the commission shares staff's concern that the amendment as published would start the one- (1-) year inspection period from the inherently uncertain date of when the dealer reports the delivery of the home to the consumer or, even less certainly, when the commission becomes aware of the delivery. Staff's revised proposal to measure the inspection period from the date the home is installed will provide a more definite "trigger" date and should benefit both consumers and dealers. The commission will revise section (5) as proposed by staff.

COMMENT #5: New subsection (5)(B) requires the dealer to submit a property locator form to the commission indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer's location. The subsection, as published in the *Missouri Register*, states that the property locator form will be provided by the commission. In its written comments, the commission's staff attaches a draft of the locator form the dealers will be required to use.

Darrell Myers objected to the cost of completing this new paperwork and complained that the form would require him to violate the privacy of his customers by providing the customer's name and address to the state.

Staff replied to Mr. Myers by explaining that prompt submission of the property locator form is needed to allow its inspectors to schedule their inspections of the setup of the home. Staff also explains that any customer information submitted to the commission must remain confidential by Missouri statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes that the requirement to submit a property locator form imposed by the new subsection (5)(B) as published in the *Missouri Register* is appropriate. The privacy of customer information will be maintained and the additional cost to dealers is reasonable in light of the need to efficiently schedule required inspections.

The revision proposed by staff in its October 16 comment that would require dealers to use the locator form provided by the commission is an improvement that will make the form more accessible to dealers and to the public. The commission will incorporate that revision into the rule.

COMMENT #6: New subsection (5)(C), as published in the *Missouri Register*, indicates the commission may assess a fifty dollar (\$50) per home inspection fee against dealers who fail to submit the property locator form by the due date. In its comments filed on October 16, staff proposes to change the "may" to "shall," thereby removing the commission's discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director's discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a short deadline.

RESPONSE: New subsection (5)(C), as published in the *Missouri Register*, allows the commission to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a property locator form in a timely manner. However, staff's proposal to modify that subsection to remove the commission's discretion regarding the assessment of that fee is not necessary. The commission has the expertise to exercise its reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change "may" to "shall" in the subsection.

COMMENT #7: Darrell Myers expressed concern about section (6), which will become section (7) pursuant to the proposed amendment as published in the *Missouri Register*. The commission did not propose any change to this section, apart from the renumbering. Mr. Myers believes that subsection (6)(I), which requires the dealer of a modular unit to notify a purchaser of either a new or used unit if the unit has incurred any damages, unnecessarily increases the dealer's potential liability to dissatisfied purchasers.

RESPONSE: The commission appreciates Mr. Myers' concern. However, at this stage of the rulemaking process, the commission does not have an opportunity to properly consider the proposed change, nor would any other interested person have an opportunity to comment on such a change. The commission will not modify section (6) in this rulemaking, aside from the proposed renumbering. However, Mr. Myers is welcome to again bring his concern to the commission's attention in discussions leading to any future rulemaking proceeding.

4 CSR 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities

(5) For dealers selling residential one (1) and two (2) family modular units built pursuant to the International Residential Code (IRC) to consumers: effective the first day of the month following the effective date of this amendment, the director will have a period of one (1) year from the date the unit is installed to conduct the initial inspection of the home setup.

(B) Dealers shall submit to the commission a property locator indicating the destination of the residential modular unit(s) within forty-eight (48) hours of the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section residential modular units the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1483). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the Missouri Register. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation

to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The proposed amendment to section (3), as published in the *Missouri Register*, indicates the director may assess a fifty dollar (\$50) per report inspection fee against dealers who fail to submit a monthly sales report within sixty (60) days of the date such report is due. In its comments filed on October 16, staff proposes to change the "may" to "shall," thereby removing the director's discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director's discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a deadline.

RESPONSE: The amendment to section (3), as published in the *Missouri Register*, allows the director to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a monthly sales report in a timely manner. However, staff's proposal to modify that section to remove the director's discretion regarding the assessment of that fee is not necessary. The director has the expertise to exercise reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change "may" to "shall" in the section.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-123.095 Re-Inspection Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1483-1484). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects. Mr. Hager did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating.

Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects. Mr. Myers did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The commission's staff offered a written comment supporting the amendment as published in the *Missouri Register*.

RESPONSE: The commission thanks staff for its comments.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040.5, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-125.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1484). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of

Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects. Mr. Hager did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects. Mr. Myers did not object to any specific provision of this rule so no further comment is necessary.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and

private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The commission's staff offered a written comment asking the commission to amend the purpose of the amendment and the definition of director found in section (9). That section was not proposed to be amended in the *Missouri Register*. Staff explains that the current definition describes director as used in throughout the regulation as the director of the manufactured housing program of the commission. The person in that role is now called manager, rather than director.

RESPONSE: The notice of proposed rulemaking as published in the *Missouri Register* did not propose to amend section (9). As a result, that section was not open for comment and cannot be amended in this order of rulemaking. The commission may address this change in a future rulemaking.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.692, RSMo Supp. 2013, the commission amends a rule as follows:

4 CSR 240-125.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1484-1485). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments.

In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: In its written comment filed on October 16, the commission's staff commented that the listing of the work covered by an installer licensee in subsection (2)(A) is confusing in its current format. Staff proposes to break up the sixteen (16) paragraphs of subsection (2)(A) by creating a new subsection (B) for which the existing paragraphs (2)(A)10.-14. would become paragraphs (2)(B)1.-5. Staff does not propose to change the substance of any of these subsections.

RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed re-denomination of the subsections will help improve the readability of the regulation and will be adopted.

COMMENT #5: Also in its written comment filed on October 16, the commission's staff commented in the proposed amendment as published in the *Missouri Register*, two (2) new paragraphs would have been created and denominated as paragraphs (2)(A)15. and 16. Staff now proposes to re-designate those two (2) paragraphs as subsections (3)(A) and (B).

RESPONSE AND EXPLANATION OF CHANGE: Staff's proposed re-denomination of the subsections will help improve the readability of the regulation and will be adopted.

COMMENT #6: The proposed amendment to what will be subsection (3)(B), paragraph (2)(A)16. as published in the *Missouri Register*, indicates a primary installer who fails to submit a property locator to the commission prior to placing a home on site may be subject to the fifty dollar (\$50) per home inspection fee as defined in 4 CSR 240.065(4)(D). In its comments filed on October 16, staff proposes to change the "may" to "shall," thereby removing the commission's discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director's discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a deadline.

RESPONSE: The amendment to subsection (3)(B) (paragraph (2)(A)16. as published in the *Missouri Register*) allows the commission to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a property locator in a timely manner. However, staff's proposal to modify that subsection to remove the commission's discretion regarding the assessment of that fee is not necessary. The commission has the expertise to exercise reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change "may" to "shall" in the subsection.

COMMENT #7: Staff also proposes that subsection (3)(B), paragraph (2)(A)16. as published in the *Missouri Register*, be further modified to require the submission of the property locator form supplied by staff.

RESPONSE AND EXPLANATION OF CHANGE: The revised language proposed by staff will help clarify the rule. The commission will incorporate that revision into the rule.

4 CSR 240-125.040 Manufactured Home Installer License

(2) Installer Responsibilities and Limits.

(A) Work covered by an installer licensee shall include but not be limited to the following:

1. Installing manufactured home underfloor vapor retarder as required by the manufacturer's installation manual for proper ventilation and access;

2. Installing the support, tie-down, anchoring, and the structural connections and roof installation for manufactured homes;

3. Providing plumbing and electrical utility connections unless they are regulated by local jurisdictions;

4. Providing plumbing, electrical, and mechanical cross-over, appliance and fixture connections of and to the manufactured home, as permitted by these requirements;

5. Assuring that all appliance exhaust ducts are roughed in and terminations are complete when required;

6. Closing and securing all access panels and covers on or under the manufactured home;

7. Assuring all doors and windows are adjusted, secured in place, and operational;

8. Assuring all shipped loose flue vents and chimneys are installed, secured in place, and capped according to the manufacturer's installation manual; and

9. Where the installer also installs the skirting, complying with skirting requirements to ensure proper ventilation.

(B) An installer licensee shall also be responsible for—

1. Affixing the installation decal to each manufactured home;

2. Completing all reporting and application forms required by the program;

3. Leaving the manufacturer's installation manual at the installation site;

4. Assuring that all portions of the manufactured home installation are in compliance with the manufacturer's installation manual; and

5. Correcting all applicable nonconformances within thirty (30) days of receipt of a correction notice from the commission.

(3) Primary Installer Responsibilities in addition to (2)(A) and (B) above—

(A) Each primary installer shall be responsible for ensuring the site and foundation are correct before setting the home on the site or foundation. If the home is not correctly set on the site or foundation, the primary installer shall be responsible for making corrections to the site or foundation, pursuant to section 700.010(5) and (15), RSMo, and 4 CSR 240-125.010(12) and (13); and

(B) Primary installers who install new homes in Missouri from dealers, manufacturers, or other entities located in other states shall submit a property locator form provided by the commission prior to placing the home on the site. Failure to submit the property locator to the commission prior to placing the home on the site may subject the installer to the fifty dollar (\$50) inspection fee as defined in 4 CSR 240-120.065(4)(D).

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 125—Manufactured Home Installers

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.692, RSMo Supp. 2013, the commission amends a rule as follows:

4 CSR 240-125.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1485-1486). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended

October 16, 2013, and the commission held a public hearing on the proposed amendment on October 25, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission. In addition, the following people offered comments at the hearing: Tom Hager, Director of the Missouri Manufactured Housing Association; Darrell Myers, New Castle Mobile Homes of Harrisonville, Missouri; and Natelle Dietrich, Blake Eastwood, and Ronnie Mann on behalf of the staff of the Missouri Public Service Commission.

The commission considered this particular rule in conjunction with eight (8) other rules affecting manufactured housing. Not all persons offering comments addressed this particular rule.

COMMENT #1: Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, indicated his organization supports the proposed amendments as published in the *Missouri Register*. He indicated that the association has worked with the commission's staff over the last four (4) years to craft these amendments. In particular, the association appreciates the provision that will reduce the amount of time for consumers to file a complaint from five (5) years to one (1). However, Mr. Hager was concerned about the changes to the proposed amendments that staff offered in its written comments filed on October 16. He did not know that those changes had been proposed until he arrived for the hearing. In particular, Mr. Hager objected to staff's proposal to change "may" to "shall" in several penalty provisions so as to remove staff's discretion regarding the imposition of penalties against mobile home dealers who fail to comply with certain provisions of the rule.

RESPONSE: The commission thanks Mr. Hager for his general comments and will address his concerns in its response to the specific provisions to which he objects.

COMMENT #2: Darrell Myers, of New Castle Homes of Harrisonville, Missouri, indicated his dissatisfaction with the proposed amendments in particular, and with government regulation by this commission and by other governmental agencies in general. Mr. Myers explained that the manufactured housing sales industry is going through very hard financial conditions at this time. Many dealers have gone out of business and sales are down for those that continue to operate. Mr. Myers believes the commission and other regulatory bodies at the federal, state, and local level should be looking for ways to help the industry rather than add to the regulatory burden.

Mr. Myers recognizes the need for regulation of the manufactured housing industry, noting that there are some "bad guys" around. However, he wants the commission to take action against the "bad guys" without imposing expensive regulatory burdens on the responsible dealers. In particular, he is concerned about the staff proposal to change "may" to "shall" to remove discretion about imposition of a penalty against dealers who fail to turn in paperwork on time.

Mr. Myers objects that he has had no opportunity to prepare a response to the new changes proposed by staff in its October 16 comment filing. He was unaware of those proposed changes until he arrived for the hearing.

RESPONSE: The commission thanks Mr. Myers for his general comments. The commission is mindful of the need to consider the burden it is placing on those people and companies it is regulating. Certainly, the commission does not want to impose an undue burden on anyone. However, as Mr. Myers acknowledges, there are "bad guys" in every line of business and the commission has an obligation to establish regulations to rein in those bad guys. Unfortunately, even the "good guys" must then follow those regulations. In drafting these regulations the commission has consulted with representatives of the manufactured housing industry and it will continue to do so in the future. Through continued cooperation, the commission will seek to tailor its regulations to be as effective as possible while reducing the regulatory burden as much as possible. The commission will further address Mr. Myers' concerns in its response to the specific provisions to which he objects.

COMMENT #3: Darrell Myers indicated that the representation that the cost of these amendments to public and private entities would not exceed five hundred dollars (\$500) in the aggregate was unrealistic.

RESPONSE: The commission continues to believe the public and private cost of these amendments will not exceed five hundred dollars (\$500) in the aggregate. Much of Mr. Myers' compliance cost concerns were directed toward compliance with the rule as a whole, not with just the more limited portions of the rule that are the subject of these amendments. Certainly, the cost of complying with the entire suite of existing regulations may exceed five hundred dollars (\$500), but that is not the question at hand. The most significant new regulatory requirement resulting from these amendments is the requirement that dealers submit a property locator report to the commission within forty-eight (48) hours after the home leaves the dealer's property. The dealer will already be aware of the information the commission is requiring to be included on the form and much of that information must already be submitted to the Department of Transportation to obtain an oversize load permit. As a result, the only added cost would be the time it takes to complete the one (1) page form.

COMMENT #4: The proposed amendment to subsection (3)(C), as published in the *Missouri Register*, indicates the director may assess a fifty dollar (\$50) per report inspection fee against dealers who fail to submit a monthly installation decal report within sixty (60) days of the date such report is due. In its comments filed on October 16, staff proposes to change the "may" to "shall," thereby removing the director's discretion about whether to impose the fee.

Tom Hager, speaking on behalf of the Missouri Manufactured Housing Association, and Darrell Myers both objected to the proposal to remove the director's discretion about imposing an inspection fee. Hager complains that this change was not discussed with the association and that he was unaware of the proposed change until he spoke with staff just before the hearing. Mr. Myers complains that imposing a mandatory fee would unfairly penalize good dealers who happen to occasionally miss a deadline.

RESPONSE: The amendment to subsection (3)(C), as published in the *Missouri Register*, allows the director to impose an additional inspection fee as a reasonable means to ensure compliance with the requirement to submit a monthly sales report in a timely manner. However, staff's proposal to modify that subsection to remove the director's discretion regarding the assessment of that fee is not necessary. The director has the expertise to exercise reasonable discretion in such circumstances and there is no need to circumscribe that discretion. Most importantly, since staff did not propose this significant change until after the proposed amendment was published in the *Missouri Register*, interested persons have not had a reasonable opportunity to comment on that change. The commission will not change "may" to "shall" in the subsection.

COMMENT #5: Staff's written comment filed on October 16 notes that new subsection (I) which appears under section (3) dealing with the monthly installation decal report should instead be placed under section (1) dealing with requirements for installation decals.

RESPONSE AND EXPLANATION OF CHANGE: The commission will make that change.

4 CSR 240-125.070 Installation Decals

(1) Requirements for Installation Decals.

(I) Primary installers who fail to attach the installation decal and/or the sign-off portion of the decal to the home immediately after the completion of the blocking and leveling of the home will be subject to a two hundred dollar (\$200) inspection fee. The fee shall be paid and submitted to the commission within ten (10) days after notification by the director.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 10—Commissioner of Education Chapter 1—Organization of the Department

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2013, the board amends a rule as follows:

5 CSR 10-1.010 General Department Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1527). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 300—Office of Special Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2013, and section 162.685, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 20-300.110 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. During October and November 2013, the Office of Special Education conducted two (2) public hearing webinars regarding proposed changes to the Part B State Plan implementing the Individuals with Disabilities Education Act (IDEA).

This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for children with disabilities, in accordance with Part B of the Individuals with Disabilities Education Act (IDEA).

5 CSR 20-300.110 Individuals with Disabilities Education Act, Part B. This order of rulemaking amends section (2) and amends the incorporated by reference material, *Regulations Implementing Part B of the Individuals with Disabilities Education Act*, to bring the program plan in compliance with federal statutes.

(2) The content of this state plan for the Individuals with Disabilities Education Act (IDEA), Part B, which is hereby incorporated by reference and made a part of this rule, meets the federal statute and Missouri's compliance in the following areas. A copy of the IDEA, Part B (revised December 2013) is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Special Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 161.092, RSMo Supp. [2012] 2013, and section 162.685, RSMo 2000. This rule previously filed as 5 CSR 70-742.140. Original rule filed April 11, 1975, effective April 21, 1975. For intervening history, please consult the *Code of State*

Regulations. Amended: Filed Jan. 14, 2014, effective March 30, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.900–160.925, 161.092, and 376.1218, RSMo Supp. 2013, the board hereby amends a rule as follows:

5 CSR 20-300.120 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were not held because the Office of Special Education Programs (OSEP) required the change and did not require public hearings be held.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for infants and toddlers with disabilities, in accordance with Part C of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17.

5 CSR 20-300.120 Individuals with Disabilities Education Act, Part C. This order of rulemaking makes changes to section (2) and amends the incorporated by reference material, *State Regulations Implementing Part C of the Individuals with Disabilities Education Act First Steps Program*.

(2) The Missouri state plan for the regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) First Steps Program contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri state plan for the IDEA, Part C is hereby incorporated by reference and made a part of this rule. A copy of the IDEA, Part C (revised December 2013) is published by and can be obtained from the Department of Elementary and Secondary Education, Special Education Compliance Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 160.900-160.925, 161.092, and 376.1218, RSMo Supp. [2012] 2013. This rule previously filed as 5 CSR 70-742.141. Executive Order 94-22 of the Governor, Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Original rule filed Dec. 29, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 14, 2014, effective March 30, 2014.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.920, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 20-300.160 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1527-1528). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received eight (8) comments on the proposed amendment.

COMMENT #1: Bruce Young, Executive Director of CMSE (a sheltered workshop) and Susan Legarrd, Manager of Harrison County Sheltered Workshop, support the removal of the words "separate" and "only" from the prior regulation.

RESPONSE: The department reviewed the comments and determined no change is required.

COMMENT #2: Mark Ohrenberg, Chairperson, Missouri Developmental Disabilities Council, requested that the regulation be amended to encourage sheltered workshops to engage in competitive employment services and supports.

RESPONSE: The purpose of the rule is not to encourage workshops. Section 178.910, RSMo, sets forth the purpose of workshops.

COMMENT #3: Nancy Cartmill, county board member and parent; Sharon Crumpton, board member and parent; Peggy Kutchback, Executive Director, Casco Area Workshop; Bruce Young, Executive Director, Central Missouri Subcontracting Enterprises (CMSE a sheltered workshop); Lynn Montgomery; and Kim Ratcliff, CMSE board member, request that the requirement for the department to review all written agreements of sheltered workshops with other businesses be removed and the responsibility and authority to review those agreements be given to the board of directors of the sheltered workshop.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has deleted the reference to the department and substituted the governing board of directors of the sheltered workshop in section (2).

COMMENT #4: Stephen Barr, Assistant Commissioner, Office of Special Education, Department of Elementary and Secondary Education, requested that the regulation clearly note that the authority of the department to monitor corporations sponsoring sheltered workshops is limited to the sheltered workshop activities.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and added language limiting the authority of the department to sheltered workshop activities in section (2).

5 CSR 20-300.160 Establishment of Sheltered Workshops

(2) A not-for-profit corporation, registered with the Missouri secretary of state, founded for the purpose of administering a workshop, and engaged in the employment and rehabilitation of people with disabilities, as defined in section 178.900, RSMo, shall be a corporation engaged in the business of operating a workshop. The department only has authority to monitor activity associated with the business of operating a sheltered workshop or related to funding provided for

operating a sheltered workshop. The workshop may enter into a written agreement for the purposes of sharing the purchasing of materials or services, sharing personnel, or sharing buildings and equipment. The agreement shall provide the responsibilities of each party. The agreement or any renewal or extension of the agreement shall be approved by the governing board of directors of the sheltered workshop who will ensure that the agreement does not violate any state or federal laws. The corporation shall apply for and be granted a certificate of authority from the department in order to qualify for the receipt of state funds. To make application for a certificate of authority, a corporation shall file form FP-100-1 (Application for Extended Employment Sheltered Workshop Certificate), together with each of the following documents with the department for its review and approval:

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 178.910 and 178.920, RSMo 2000, and sections 161.092 and 178.900, RSMo Supp. 2013, the board hereby amends a rule as follows:

5 CSR 20-300.170 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1528-1530). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received three (3) comments on the proposed amendment.

COMMENT #1: Nancy Cartmill, county board member and parent; Sharon Crumpton, board member and parent; and Peggy Kutchback, Executive Director, Casco Area Workshop, requested that the change in the regulation from twenty-five percent (25%) to twenty percent (20%) of time spent on vocational training not be made as training is an important part of the sheltered workshop's mission.

RESPONSE AND EXPLANATION OF CHANGE: The department will make no change to the percent of time for vocational training. While training is important, the purpose of a sheltered workshop is to provide employment. Allowing twenty percent (20%) of the paid time to be used for vocational training is sufficient to train the workers. Fewer than eighteen (18) workshops reported training hours in any single quarter last year. The quarterly average percent of time reported as training ranged from a low of two percent (2.0%) in quarter two (2), to a high of two and eight tenths percent (2.8%) in quarter one (1). The lowest reported percent from any one (1) workshop over the past year was three tenths of one percent (0.3%) and the highest was forty-six and eight tenths percent (46.8%). The department notes that calculating the percent on a monthly basis may not give the workshops sufficient flexibility for business fluctuations so has changed the period of time for calculating the percentage to quarter in section (9).

5 CSR 20-300.170 Operation of Extended Employment Sheltered Workshops

(9) Approved employees of a workshop shall be engaged in production work, or vocational-related training at all times during which

state aid is claimed. Vocational-related training shall be paid at ten percent (10%) of the current federal minimum. During any fiscal quarter, a workshop should have no less than eighty percent (80%) of its reimbursable time in income producing work. State aid shall be paid for vocational-related training time up to a maximum of twenty percent (20%) of a workshop's quarterly reimbursable time. The department may waive this requirement for workshops located in an area declared by the governor to be a state of emergency for up to one (1) year after the declaration. Documentation of the time per employee and content of vocational-related training provided shall be maintained for inspection by department staff.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.920, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 20-300.180 Renewal or Revocation of a Certificate of Authority **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1531). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 178.900 and 178.930, RSMo Supp. 2013, the board hereby amends a rule as follows:

5 CSR 20-300.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1531). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received four (4) comments on the proposed amendment.

COMMENT #1: Bruce Young, Executive Director, CMSE (a sheltered workshop); Lynn Montgomery; Bill Watkins, Chief Operating Officer, Riback DKB; and Kim Ratcliff, CMSE board member; requested that a certificate of eligibility for employment in a sheltered workshop remain active for one (1) year after an individual has obtained supported and/or competitive employment instead of the proposed six (6) months.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and will change the time limit from six (6) months to one (1)

year in section (3).

5 CSR 20-300.190 Approval of Eligible Employees

(3) The certification of eligibility for employment in an extended employment sheltered workshop shall be terminated one (1) year after a worker has obtained supported and/or competitive employment in an integrated and community-based business or industry. A person may reapply to the department for a certification of eligibility should the supported and/or competitive employment status change. The person must meet the eligibility requirements to receive a new certificate of eligibility.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.930, RSMo Supp. 2013, the board hereby amends a rule as follows:

5 CSR 20-300.200 Disbursement of Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1531-1532). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and Administrative
Services
Chapter 640—School Buildings**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.459 and 161.092, RSMo Supp. 2013, the board rescinds a rule as follows:

**5 CSR 30-640.100 Rebuild Missouri Schools Program
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1532). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600-577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1610-1611). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received two (2) comments on the proposed amendment from Bonnie Remboldt with LifeSafer of Missouri, Inc.

COMMENT #1: Remove from the definition of global positioning system the requirement to use longitude and latitude when logging the location, date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device. LifeSafer argues these two (2) terms are not user-friendly nor useful information and requires additional resources to translate into where the operator actually was/is. A physical address or cross streets would be more useful. The definition should read, 1. A feature of the device that will log the location, date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device.

RESPONSE: Use of longitude and latitude to indicate a location is common practice and is more accurate than trying to determine a street address or referencing a cross street. In some cases the coordinates could be logged on a county road or interstate where there isn't a physical address or cross street to reference. This requirement will also provide consistency between all of the manufacturers. As a result, no changes have been made to this rule as a result of this comment.

COMMENT #2: LifeSafer of Missouri commented on the definition of a violations reset indicating that subparagraph (1)(A)37.C. is unclear and could be misinterpreted to mean a total of nine (9) failed breath samples that were above the alcohol setpoint instead of the three (3) indicated in the definition. The use of the word "retest" in the definition created some of the confusion.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the language in (1)(A)37.C. needs to be changed to clarify that any three (3) breath samples, after the vehicle has been started, that are above the alcohol setpoint with a thirty- (30-) day period will result in a violations reset. Changing the definition will also require changes to the standards and specifications found in 7 CSR 60-2.030(1)(C)2.

7 CSR 60-2.010 Definitions

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set for the rolling retests;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600–577.614, RSMo;

5. Bogus breath sample—Any gas sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine and will provide a warning message. If the unit detects a BAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;

8. Breath sample—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample;

11. Committee—The persons delegated to conduct informal reviews of suspension or revocation of a device by the Missouri Highways and Transportation Commission;

12. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver's ignition interlock use by the authorized service provider;

13. Device—Breath alcohol ignition interlock device (BAIID);

14. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

15. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

16. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

17. Global positioning system—A feature of the device that will log the location (longitude and latitude), date, and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

18. Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

19. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BAC is below the alcohol setpoint;

20. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

21. Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

22. Lockout—The ability of the device to prevent a vehicle's engine from starting unless it is serviced or recalibrated;

23. NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

24. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

25. Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

26. Photo ID technology—A feature of the device that incorporates technology that will photograph the person who is providing the breath test;

27. Refusal—The failure of a driver to provide a breath sample and complete the breath test when prompted by the ignition interlock device;

28. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

29. Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

30. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

31. Revocation—A revocation is a removal of a device from the approved list and requires reapplication under 7 CSR 60-2.020. After revocation, an authorized service provider must wait at least one (1) year or longer, if determined by Traffic and Highway Safety Division or the committee, before reapplication;

32. Rolling retest—A subsequent breath test that must be conducted within five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter while the vehicle is in operation;

33. Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

34. Suspension—The period after a finding by the Missouri Department of Transportation, Traffic and Highway Safety Division, or the committee designated by the Missouri Highways and Transportation Commission to conduct informal review of a device that is to be or has been removed from the list of approved devices. A suspension is temporary and may not require the manufacturer to go through the approval procedure although the Traffic and Highway Safety Division or the committee may impose requirements before the suspension is removed;

35. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

36. Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

37. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen- (15-) minute temporary lockouts within a thirty- (30-) day period;

B. Any three (3) refusals to provide a retest sample within a thirty- (30-) day period;

C. Any three (3) breath samples, after startup, above the alcohol setpoint within a thirty- (30-) day period; or

D. Any attempts to circumvent or tamper with a device.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600–577.614, RSMo

2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.020 Approval Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1611-1612). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600-577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1612-1613). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Highways and Transportation Commission received two (2) comments on the proposed amendment from Bonnie Remboldt with LifeSafer of Missouri, Inc.

COMMENT #1: LifeSafer of Missouri, Inc. filed a comment regarding the sale or use of any type of remote code or reset feature allowing a driver to bypass an installed ignition interlock device without providing a breath sample at startup or during operation of the vehicle which is prohibited under the proposed amendment. The comment expresses concern that this is too strict and that there should be emergency situations where a bypass of the system should be allowed. RESPONSE: The language in 7 CSR 60-2.030(1)(G) does not prohibit the use of a remote code or reset feature all together. A remote code or reset feature can be used in an emergency situation, but the driver is still required to provide a breath sample at startup and during operation of the vehicle. The intended purpose of the ignition interlock device is to prohibit someone who has previously been arrested for driving while intoxicated from repeating the same behavior and putting the public at risk. There is no way to ensure that a driver is not intoxicated over the phone when an ignition interlock provider would provide the remote code or bypass and therefore the device must require a breath sample. Therefore, no changes will be made to this subsection of the rule.

COMMENT #2: Bonnie Remboldt with LifeSafer of Missouri submitted a comment regarding the definition of violations reset found in 7 CSR 60-2.010 (1)(A)37.C. The definition was unclear and could be misinterpreted to mean a total of nine (9) failed breath samples that were above the alcohol setpoint instead of the three (3) indicated in the definition.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that the definition was confusing and made changes to

CSR 60-2.010(1)(A)37.C. to clarify that any three (3) breath samples, after the vehicle has been started, that are above the alcohol setpoint with a thirty- (30-) day period will result in a violations reset. In addition, changes will also be made to 7 CSR 60-2.030(1)(C)2. to further clarify and provide consistency in both paragraphs of the rule.

7 CSR 60-2.030 Standards and Specifications

(1) Standards and Specifications.

(C) A rolling retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest within five (5) minutes after the start of the vehicle and randomly during each subsequent thirty- (30-) minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a rolling retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Any three (3) breath samples, after startup, above the alcohol setpoint within a thirty- (30-) day period or three (3) refusals by the driver to provide a retest sample within a thirty- (30-) day period shall result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within seven (7) days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within seven (7) days, the device shall cause the vehicle to enter a permanent lockout condition.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600-577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.040 Responsibilities of Authorized Service Providers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1613-1615). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525,

RSMo Supp. 2013, sections 577.041, 577.600–577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1615–1616). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Traffic and Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device
Certification and Operational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 302.060, 302.304, 302.309, and 302.525, RSMo Supp. 2013, sections 577.041, 577.600–577.614, RSMo 2000 and RSMo Supp. 2013, and section 226.130, RSMo 2000, the commission amends a rule as follows:

7 CSR 60-2.060 Suspension, or Revocation of Approval of a Device **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1616–1617). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 4—Condition of Participant Participation,
Rights and Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.201 and 208.215, RSMo Supp. 2013, the division adopts a rule as follows:

13 CSR 70-4.120 Department is the Payer of Last Resort, Department's Lien for Recovery, Participant's Duty of Cooperation **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1765–1768). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-15.030 Limitations on Payment for Inpatient Hospital Care **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1618–1619). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization Is Required **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1619–1620). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.032 List of Excludable Drugs Excluded From Coverage Under the MO HealthNet Pharmacy Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1620). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.050 Return of Drugs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1620–1621). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.060 Professional Dispensing Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1768–1769). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.071 Multiple Source Drugs for Which There Exists a Federal Upper Limit on Reimbursement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1769). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.200 Drug Prior Authorization Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1769–1770). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.250 Prior Authorization of New Drug Entities or New Drug Dosage Form is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1621). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division sections 208.153, 208.175, and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.300 Retrospective Drug Use Review Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1621–1622). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-20.310 Prospective Drug Use Review Process and Patient Counseling **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1622–1623). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 50—Hospice Services Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-50.010 Hospice Services Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1770–1775). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 60—Durable Medical Equipment Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-60.010 Durable Medical Equipment Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1776). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 70—Therapy Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-70.010 Therapy Program **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1776–1777). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Behavioral Health Services**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-98.015 Behavioral Health Services Program Documentation **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1777–1778). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 200—Insurance Solvency and Company
Regulation
Chapter 2—Reinsurance and Assumptions**

ORDER OF RULEMAKING

By the authority vested in the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 374.230, and 375.246, RSMo Supp. 2013, the director amends a rule as follows:

20 CSR 200-2.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1778–1816). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held December 3, 2013, and the public comment

period ended December 10, 2013. At the public hearing, staff from the Missouri Department of Insurance, Financial Institutions and Professional Registration explained the proposed amendment and three (3) comments were made. Two (2) written comments from the proponents were also received at the hearing.

COMMENT #1: Matthew Wulf, Vice President, State Relations, and Assistant General Counsel for the Reinsurance Association of America (RAA) testified in support of the proposed amendment and requested that his letter of November 20, 2013 be submitted as the RAA's comments into the record. The RAA did not propose any changes to the language of the proposed amendment.

RESPONSE: As requested, no changes have been made to the proposed amendment.

COMMENT #2: Nicole Allen, Senior Vice President, Group Risk Management for Swiss Re America Holding Corporation (Swiss Re) testified in support of the proposed amendment and requested that her letter of November 19, 2013 be submitted as Swiss Re's comments into the record. Swiss Re did not propose any changes to the language of the proposed amendment.

RESPONSE: As requested, no changes have been made to the proposed amendment.

COMMENT #3: Staff commented that Exhibit 1 should be revised to include information for a Certified Reinsurer to be able to use the form when submitting its application and to include space for reinsurers to include an international address, if applicable.

RESPONSE AND EXPLANATION OF CHANGE: Exhibit 1 is being changed to add additional information to Parts 2 and 3, specifically, the requirement for the applicant to include additional address information (country and international postal code) in Part 2 and the addition of "certified reinsurer" as an option in Part 3.

20 CSR 200-2.100 Credit for Reinsurance

(3) Credit for Reinsurance—Accredited Reinsurers.

(A) Pursuant to section 375.246.1(2), RSMo, the director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is accredited as a reinsurer in this state as of the date on which statutory financial statement credit for reinsurance is claimed. An accredited reinsurer must—

1. File with the director the following:

A. A properly executed Reinsurer Application, the form of which is set forth as Exhibit 1 of this rule, included herein, revised December 10, 2013, or any form which substantially comports with the specified form;

B. A certified copy of a certificate of authority or other acceptable evidence that it is licensed to transact insurance or reinsurance in at least one (1) state or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state;

C. A properly executed appointment of the director to acknowledge or receive service of process, the form of which is set forth as Exhibit 2 of this rule included herein, revised September 23, 2013, or any form which substantially comports with the specified form;

D. A properly executed Certificate of Assuming Insurer (Form AR-1), which is set forth as Exhibit 3 of this rule included herein, revised September 23, 2013, or any form which substantially comports with the specified form, as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records;

E. A copy of its articles of incorporation or association, as amended, duly certified by the proper officer of the state under whose laws it is organized or incorporated;

F. A copy of its bylaws, certified by its secretary;

G. The National Association of Insurance Commissioner (NAIC) Uniform Certificate of Authority Application (UCAA) Form

11 Biographical Affidavit, the form of which is included herein as Exhibit 4 of this rule, revised September 23, 2013, or any form which substantially comports with the specified form; and

H. A copy of the registration statement of any holding company system if it is a member of such a system.

2. File annually with the director a copy of its annual statement filed with the insurance department of its state of domicile or, in the case of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement.

3. Include, with the documents required to be filed under the preceding provisions of section (3) of this rule, the appropriate filing fees as set forth in section 374.230, RSMo; and

4. Maintain a surplus as regards policyholders in an amount not less than twenty (20) million dollars, or obtain the affirmative approval of the director upon a finding that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers.

(4) Credit for Reinsurance—Reinsurer Domiciled in Another State.

(A) Pursuant to section 375.246.1(3), RSMo, the director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that as of any date on which statutory financial statement credit for reinsurance is claimed—

1. Files with the director—

A. A properly executed Reinsurer Application, the form of which is set forth as Exhibit 1 of this rule, included herein, revised December 10, 2013, or any form which substantially comports with the specified form;

B. A properly executed appointment of the director to acknowledge or receive service of process, the form of which is set forth as Exhibit 2 of this rule, included herein, revised September 23, 2013, or any form which substantially comports with the specified form; and

C. A properly executed Form AR-2, the form of which is included herein as Exhibit 5 of this rule, revised September 23, 2013, or any form which substantially comports with the specified form, as evidence of its submission to this state's authority to examine its books and records.

2. Files with the director in addition to its initial filing, and annually after that, prior to March 1 of each year, a certified copy of the annual statement it has filed with the insurance department of its state of domicile or, in the case of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, including an actuarial certification and management discussion and analysis required as part of the NAIC annual statement requirements;

3. Is domiciled in (or, in the case of a United States branch of an alien assuming insurer, is entered through) a state that employs standards regarding credit for reinsurance substantially similar to those applicable under section 375.246, RSMo (the Act) and this rule;

4. Includes with the documents required to be filed under preceding provisions of section (4) of this rule, the appropriate filing fees as set forth in section 374.230, RSMo; and

5. Maintains a surplus as regards policyholders in an amount not less than twenty (20) million dollars.

(5) Credit for Reinsurance—Reinsurers Maintaining Trust Funds.

(B) The following requirements apply to the following categories of assuming insurer:

1. The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States domiciled insurers, and in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty (20) million dollars, except as provided in paragraph (5)(B)2. of this rule;

2. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) full years, the director with principal regulatory oversight

of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

3. The trust fund for a group including incorporated and individual unincorporated underwriters shall consist of:

A. For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, funds in trust in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States domiciled ceding insurers to any underwriter of the group;

B. For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this rule, funds in trust in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

C. In addition to these trusts, the group shall maintain a trustee surplus of which one-hundred (100) million dollars shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all the years of the account.

4. The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members. The group shall, within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, provide to the director—

A. An annual certification by the group's domiciliary regulator of the solvency of each underwriter member of the group; or

B. If a certification is unavailable, a financial statement, prepared by independent public accountants, of each underwriter member of the group.

5. The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders' surplus of ten (10) billion dollars (calculated and reported in substantially the same manner as prescribed by the annual statement instructions and *Accounting Practices and Procedures Manual* of the NAIC) and which has continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation, shall—

A. Consist of funds in trust in an amount not less than the assuming insurer's several liabilities attributable to business ceded by United States domiciled ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group;

B. Maintain a joint trustee surplus of which one hundred (100) million dollars shall be held jointly for the benefit of United States domiciled ceding insurers of any member of the group; and

C. File with the director the following forms:

(I) A Reinsurer Application, the form of which is included herein as Exhibit 1 of this rule, revised December 10, 2013, or any form which substantially comports with the specified form;

(II) A properly executed Form AR-1 the form of which is included herein as Exhibit 3 of this rule, revised September 23, 2013, or any form which substantially comports with the specified form, as evidence of the submission to this state's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any examination; and

(III) Includes with the documents required to be filed under preceding provisions of section (5) of this rule the appropriate filing fees as set forth in section 374.230, RSMo.

D. Within ninety (90) days after the statements are due to be filed with the group's domiciliary regulator, the group shall file with the director an annual certification of each underwriter member's solvency by the member's domiciliary regulators, and financial statements, prepared by independent public accountants, of each underwriter member of the group.

20 CSR 200-2.100 Credit for Reinsurance

**EXHIBIT 1
Reinsurer Application**

Instructions

This application is to be completed by all insurance companies/associations who wish to transact business in the State of Missouri as accredited reinsurer, a reinsurer domiciled in another state, a reinsurer maintaining trust funds, or a certified reinsurer.

PART 1—TYPE OF APPLICATION

New Amended Renewal For Year Ending 20_____

PART 2—IDENTIFYING DATA

Name _____
(Full Name of Insurer)

Home Address Street City State Country Zip + 4 / Postal Code

Mail Address Street / P. O. Box City State Country Zip + 4 / Postal Code

PART 3—KIND OF REINSURER

- Accredited Reinsurer (Chapter 375.246.1(2))
- Reinsurer Domiciled in Another State (Chapter 375.246.1(3))
- Reinsurer Maintaining Trust Fund (Chapter 375.246.1(4))
- Certified Reinsurer (Chapter 375.246.1(5))

PART 4—CURRENT BUSINESS

- Currently licensed to transact insurance or reinsurance business in the state of _____.
- Alien company which has United States branch licensed to transact insurance business in the state of _____.
- Alien company with no United States branch licensed to transact insurance business.

20 CSR 200-2.100 Credit for Reinsurance

PART 5—AUTHORIZED OFFICER SIGNATURE

Dated: _____

By: _____
(Name of Officer)

(Title of Officer)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 11—Navigators**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 376.2000 through 376.2014, RSMo Supp. 2013, the director adopts a rule as follows:

20 CSR 400-11.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1816-1825). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held December 2, 2013 and the public comment period ended on December 2, 2013. At the public hearing, the department's Administration Division director explained the proposed rule. The department received five (5) comments to the rule.

Due to the similarity in the following three (3) comments, one (1) response that addresses these comments is at the end of these three (3) comments.

COMMENT #1: The National Association of Insurance and Financial Advisors—Missouri (“NAIFA-MO”) submitted a written comment through David Haymes and testimonial comment through Greg Russell noting that an “Approved course” under the regulation may cover “navigator roles and responsibilities and the health insurance exchange operating in this state” as inadequate for the legal and ethical obligations a navigator undertakes when receiving extremely confidential information.

COMMENT #2: NAIFA-Missouri, through Haymes and Russell, also commented that the individual navigator continuing education requirements should include Missouri law so that “Missouri navigators do not unintentionally run afoul of the requirements the legislature has imposed.”

COMMENT #3: Larry Case representing the Missouri Association of Insurance Agents (“MAIA”) commented that MAIA supports the promulgation of the regulation and the forms as presented and drafted. However, MAIA believes that the regulation should be extended to ethics and law.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(A) will be changed to add Missouri law and ethics to the definition of an “Approved course.” Also, section (2) will be amended to add a new subsection (B) requiring that three (3) hours of the twelve (12) hours of continuing education required for individual navigators must cover ethics and Missouri law. Courses on ethics and Missouri law must be approved as such by the director to be eligible for meeting this requirement.

COMMENT #4: Larry Case of MAIA commented that the federal requirements for navigators certified by the federal government “may not go far enough or be consistent with” Missouri law, so therefore, training in ethics and law would be appropriate.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(A) will be changed to add Missouri law and ethics to the definition of an “Approved course.” Also, section (2) will be amended to change subsection (B) to subsection (C). New subsection (D) will be added requiring that an individual navigator who satisfies the continuing education requirement through subsection (C) must also complete three (3) hours of instruction covering ethics and Missouri law. Courses on ethics and Missouri law must be approved as such by the director to be eligible for meeting this requirement.

COMMENT #5: Department staff commented that in the “Purpose” section of the rule, as printed in the *Missouri Register*, the department's website is hyphenated “www.insur-ance.mo.gov. The department requests that the website appear without hyphens or other breaks in the publication of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department accepts this clarification note regarding the department's website and requests reprinting in accordance with the comment.

20 CSR 400-11.120 Continuing Education for Individual Navigators

PURPOSE: This rule establishes the continuing education requirements for individual navigators. All forms referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

(1) As used in this rule, the following terms shall mean:

(A) Approved course—an educational presentation offered in a class, seminar, self-study or other form of instruction regarding navigator roles and responsibilities, Missouri law, ethics, and the health insurance exchange operating in this state;

(2) Individual Navigator Continuing Education Requirements.

(B) Of the twelve (12) hours of instruction during the two- (2-) year license period, individual navigators must complete three (3) hours of instruction covering ethics and Missouri law. Courses on ethics and Missouri law must be approved as such by the director to be eligible for meeting this requirement.

(C) An individual navigator may satisfy the continuing education requirement by demonstrating completion of continuing education that allows the individual to be certified or recertified to perform the duties identified in 42 U.S.C. section 18031(i) or related duties, irrespective of whether the continuing education is for purposes of serving as a navigator, certified application counselor, in-person assister, or health center outreach and enrollment assistance worker.

(D) An individual navigator who satisfies the continuing education requirement through subsection (C) must also complete three (3) hours of instruction covering ethics and Missouri law. Courses on ethics and Missouri law must be approved as such by the director to be eligible for meeting this requirement.

(E) An individual navigator must submit the form “Navigator Continuing Education Certification Summary” to the director to show compliance with section 376.2006, RSMo, at the time of their biennial license renewal. The director may examine the licensee's continuing education records wherever they may be found.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 12—Missouri Health Insurance Pool**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.045 and 376.961 through 376.973, RSMo Supp. 2013, the director adopts a rule as follows:

20 CSR 400-12.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1826). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held December 2, 2013 and the public comment period ended on December 2, 2013. At the public hearing, the department's Market Regulation Division director explained the proposed rule. One (1) comment was received from staff.

COMMENT #1: Department staff noticed that the proposed rule states that the "Missouri Health Insurance Pool shall develop and adopt amendments to the plan of operation...". Since the promulgation of the proposed rule, the Missouri Health Insurance Pool has subsequently developed and adopted such amendments. The department requests the proposed rule be modified to reflect the development and adoption of the amendments to the plan of operation.

RESPONSE AND EXPLANATION OF CHANGE: The department accepts this clarification and requests revision in accordance with the comment.

20 CSR 400-12.100 Missouri Health Insurance Pool Transitional Plan of Operations

(1) The Missouri Health Insurance Pool has developed and adopted amendments to the plan of operation to allow for the transition of individuals covered under the pool to alternative health insurance coverage as it is available on or after January 1, 2014.

(2) Such amendments to the plan of operations include but are not limited to the following provisions:

Updated: 01/02/2014

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
2 POINT CONSTRUCTION CO LLC	8004 REEDER	LENEXA	KS	66214
2H&V CONSTRUCTION SERVICES LLC	811 S DEPOT STREET	BONIFAY	FL	32425
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A I INTERNATIONAL INC	414 TERRY BLVD	LOUISVILLE	KY	40229
A R MAYS CONSTRUCTION INC	6900 E INDIAN SCHOOL 200	SCOTTSDALE	AZ	85251
ABAT BUILDERS INC	10700 W HIGGINS RD ST 350	ROSEMONT	IL	60018
ABAYLA CONTRACTING SERVICES INC	38 BETA CT STE C7	SAN RAMON	CA	94583
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 N E 14TH STREET	DES MOINES	IA	50313
ACC CONSTRUCTION CO INC	635 NW FRONTAGE ROAD	AUGUSTA	GA	30907
ACE REFRIGERATION OF IOWA INC	6440 6TH ST SW	CEDAR RAPIDS	IA	52404
ACME ELECTRIC COMPANY OF IOWA	3353 SOUTHGATE COURT SW	CEDAR RAPIDS	IA	52404
ACRONYM MEDIA INC	350 5TH AVE STE 5501	NEW YORK	NY	10118
ACT CONSTRUCTION	350 MCDONNELL STREET	LEWISVILLE	TX	75057
ACTION INSTALLERS INC	1224 CAMPBELL AVE SE	ROANOKE	VA	24013
ADVANCED EROSION SOLUTIONS LLC	5920 NALL AVE SUITE 308	MISSION	KS	66202
ADVANCED PROPERTY PRESERVATION INC	941 BLUE HERON CT	BELLEVILLE	IL	62223
AE MFG INC	2505 S 33RD W AVE	TULSA	OK	74157
AHRS CONSTRUCTION INC	533 RAILROAD ST	BERN	KS	66408
AIRCO POWER SERVICES INC	4919 OLD LOUISVILLE ROAD	GARDEN CITY	GA	31408
AIRETECH CORPORATION	7631 NORTHSHORE PLACE	N LITTLE ROCK	AR	72118
ALEGIS ENTERPRISES INC	6900 SW ATLANTA ST B2 110	PORTLAND	OR	97223
ALL PURPOSE ERECTORS INC	13222 SCHUMACHER RD	BREESE	IL	62230
ALLENTECH INC	3184 AIRPORT ROAD	BETHLEHEM	PA	18017
ALS CONSTRUCTION INC	16506 PINE VALLEY ROAD	PINE	CO	80470
ALTRESS TRUCKING INC	220 W 440 N	WASHINGTON	IN	47501
AM COHRON & SON INC READY MIX CONCRETE	PO BOX 479	ATLANTIC	IA	50022
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN CONCRETE CONSTRUCTION INC	3194 SUMNER ROAD	TRINITY	NC	27370
AMERICAN HYDRO	1029 IRS AVE	BALTIMORE	MD	21205
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 NO 97TH PLAZA	OMAHA	NE	68122
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101	VALLEY	OH	44125

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AMERICAN SEALANTS INC	393 INDIAN ROAD UNIT A	GRAND JUNCTION	CO	81501
AMERITAS PROTECTION SERVICES	22645 141ST TERRACE	BASEHOR	KS	66007
AMES CONSTRUCTION INC	2000 AMES DRIVE	BURNSVILLE	MN	55306
AMRENT CONTRACTING INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
AMS STAFFING INC	385 CEDAR AVENUE	HIGHLAND PARK	IL	60035
AOI CORPORATION	8801 S 137TH CIR	OMAHA	NE	68138
APOLLO VIDEO TECHNOLOGY	14148 NE 190TH ST	WOODINVILLE	WA	98072
AQUATIC EXHIBITS INTERNATIONAL INC	61 07 77 STREET	MIDDLE VILLAGE	NY	11379
AQUILEX HYDROCHEM LLC	900 GEORGIA AVENUE	DEER PARK	TX	77536
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST	CHICAGO	IL	60607
ARCHITECTURAL WALL SYSTEMS CO	3000 30TH ST	DES MOINES	IA	50310
ARISTEO CONSTRUCTION CO	12811 FARMINGTON RD	LIVONIA	MI	48150
ARISTEO INSTALLATION LLC	12811 FARMINGTON	LIVONIA	MI	48150
ARKANSAS PAINTERS UNLIMITED INC	562 W LEWISBURG ROAD	AUSTIN	AR	72007
ARNOLDS CUSTOM SEEDING LLC	4626 WCR 65	KEENESBURG	CO	80643
ART A & M JV LLC	10010 E 16TH STREET	TULSA	OK	74128
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ASSOCIATED AIR CENTER LP	1524 W 14TH ST #110	TEMPE	AZ	85281
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUDIO VISUAL INNOVATIONS INC	6313 BENJAMIN RD #110	TAMPA	FL	33634
AUMAN BROTHERS INC	6540 B PEACHTREE IND BLVD	NORCROSS	GA	30071
B D WELCH CONSTRUCTION LLC	120 INDUSTRIAL STATION RD	STEELE	AL	35987
BAILEY MECHANICAL LLC	309 STARBOARD LANE	BRANDON	MS	39047
BARRIER TECHNOLOGIES LLC	7700 WEDD STREET	OVERLAND PARK	KS	66204
BAZIN SAWING & DRILLING LLC	30790 SWITZER	LOUISBURG	KS	66053
BD CONSTRUCTION INC	2154 E 32ND AVENUE	COLUMBUS	NE	68602
BELCON REGIS GROUP INC	900 S CAMPBELL AVE	CHICAGO	IL	60612
BERBERICH TRAHAN & CO PA	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BETTIS ASPHALT & CONSTRUCTION INC	2350 NW WATER WORKDS DR	TOPEKA	KS	66606
BIG D LLC	6565 WISTFUL VISTA #11108	WEST DES MOINES	IA	50266
BILFINGER WESTCON INC	7401 YUKON DRIVE	BISMARCK	ND	58503
BIRDAIR INC	65 LAWRENCE BELL DR	AMHERST	NY	14221
BJG ELECTRONICS INC	141 REMINGTON BLVD	RONKONKOMA	NY	11779
BLACK CONSTRUCTION CO	18483 US HIGHWAY 54	ROCKPORT	IL	62370
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLUE SKY CONSTRUCTION OF IDAHO LLC	17501 NORTHSIDE BLVD	NAMPA	ID	83687
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BODINE ELECTRIC OF DECATUR	1845 NORTH 22ND ST	DECATUR	IL	62526
BOUMA CONSTRUCTION INC	5000 17TH ST	KANSAS CITY	MO	64127
BOYKIN CONTRACTING GROUP INC	1307 1/2 BROAD STREET	CAMDEN	SC	29020
BRADFORD BUILDING COMPANY INC	2151 OLD ROCKY RIDGE RD	BIRMINGHAM	AL	35216

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 WEST LIBERTY ROAD	ELDERSBURG	MD	21784
BREWSTER COMPANIES INC	6321 EAST MAIN STREET	MARYVILLE	IL	62062
BRIDGE CITY MECHANICAL INCORPORATED	777 E CULVER CT	GENESEO	IL	61254
BRITWAY STRIPING SERVICES INC	7551 STATE RTE 160 UNIT C	NEW BADEN	IL	62265
BROCK SERVICES LLC	10343 SAM HOUSTON PK 200	HOUSTON	TX	77064
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DRIVE	BURDEN	KS	67019
BRUCE CONCRETE CONSTRUCTION INC	4401 HWY 162	GRANITE CITY	IL	62040
BRYAN-OHLMEIER CONST INC	911 NORTH PEARL	PAOLA	KS	66071
BTE MANAGEMENT GROUP LLC	1717 S BOULDER STE 300	TULSA	OK	74119
BUILDING CRAFTS INC	2 ROSEWOOD DRIVE	WILDER	KY	41076
BUILT WELL CONSTRUCTION COMPANY	MAIN ST HWY 279 S	HIWASSE	AR	72739
BULLDOG DRILLING INC	411 TRANSPORT DR STE A	DUPO	IL	62239
BUSH TURF INC	6800 78TH AVE WEST	MILAN	IL	61264
BYRD ENTERPRISES UNLIMITED INC	828 MAIN STREET STE 1101	LYNCHBURG	VA	24504
BYUS CONSTRUCTION INC	16602 S CRAWFORD AVENUE	MARKHAM	IL	60428
CAB COMM INC	4094 WHITEWATER ROAD	VALDOSTA	GA	31601
CALHOUN CONSTRUCTION MANAGEMENT INC	6600 W MAIN ST REAR W	BELLEVILLE	IL	62223
CAM OF ILLINOIS LLC	300 DANIEL BOONE TRAIL	SOUTH ROXANA	IL	62087
CAPITAL ELECTRIC INC	315 S TEKOPPEL AVENUE	EVANSVILLE	IN	47712
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARPENTERS PLUS INC	1171 W DENNIS	OLATHE	KS	66061
CARPORT STRUCTURES CORPORATION	1825 METAMORA ROAD	OXFORD	MI	48371
CAS CONSTRUCTORS LLC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION COMPANY	1325 W LAKE ST	ROSELLE	IL	60172
CB INDUSTRIES INC	17250 NEW LENOX RD	JOLIET	IL	60430
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CCS HOUSTON II LLC	116 W WASHINGTON ST	WEBSTER	TX	77509
CEC HOLDINGS INC	12500 AURORA AVE N	SEATTLE	WA	98133
CHALLENGER CONSTRUCTION CORPORATION	111 E NANCY STREET	CLEARWATER	KS	67026
CHARLES F EVANS CO INC	800 CANAL ST	ELMIRA	NY	14901
CIRCLE C PAVING AND CONSTRUCTION LLC	2513 CASEY DRIVE	GODDARD	KS	67052
CITADEL CONTRACTORS INC	3405 APEX PEAKWAY	APEX	NC	27502
CITADEL STEEL ERECTORS INC	3405 APEX PEAKWAY DRIVE	APEX	NC	27502
CIVIC DISASTER RECOVERY LLC	11325 RANDOM HILLS RD 360	FAIRFAX	VA	22030
CJ DRILLING INC	19N041 GALLIGAN ROAD	DUNDEE	IL	60118
CLEAVERS FARM SUPPLY INC	2103 S SANTA FE	CHANUTE	KS	66720
CLYDE BERGEMANN POWER GROUP AMERICAS	4015 PRESIDENTIAL PARKWAY	ATLANTA	GA	30340
COASTAL ENVIRONMENTAL GROUP INC	250 EXECUTIVE DR STE K	EDGEWOOD	NY	11717
COASTAL RECONSTRUCTION INC	5570 FLORIDA MINING B 304	JACKSONVILLE	FL	32257
COBB MECHANICAL CONTRACTORS INC	2906 W MORRISON	COLORADO SPRINGS	CO	80904

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COMMERCE CONSTRUCTION INC	695 N 40TH STREET	SPRINGDALE	AR	72762
COMMERCIAL CONSTRUCTION MANAGEMENT INC	18521 OUTLETS BLVD #515	CHESTERFIELD	MO	63005
COMMERCIAL TRADE SOURCE INC	3924 PENDLETON WAY	INDIANAPOLIS	IN	46226
COMPASS SOLUTIONS	7525 E CAMELBACK RD 100	SCOTTSDALE	AZ	85251
CONCRETE CUTTING & BREALOMG CO	509 PAMELA CT	BONNE TERRE	MO	63628
CONLON CONSTRUCTION CO	1100 ROCKDALE RD	DUBUQUE	IA	52003
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110	EDWARDSVILLE	IL	62025
CONTINENTAL POOLS INC	32330 W 213TH ST	SPRING HILL	KS	66083
COOPER RAIL SERVICE INC	1700 N VAN BUREN ST	EVANSVILLE	IN	47542
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
CRAIGS RESTORATION & REPAIR LLC	1029 VAIL AVENUE	DURANT	IA	52747
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST	WICHITA	KS	67213
CRITERION CORPORATION	1653 ENGMAN LAKE RD	SKANDIA	MI	49885
CROOKHAM CONSTRUCTION LLC	19336 182ND STREET	TONGANOXIE	KS	66086
CROSS COUNTY CONSTRUCTION INC	RR 2 VANCIL RD HWY 24	RUSHVILLE	IL	62681
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CSI PEO INC	2032 ORCHID AVENUE	MCALLEN	TX	78504
CULLISON WRIGHT CONSTRUCTION CORP	112 NE 112TH STREET	OCALA	FL	34470
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR	WALTON	KY	41094
D R ANDERSON CONSTRUCTORS CO	P O BOX 34340	OMAHA	NE	68134
D T READ STEEL COMPANY INC	1725 WEST ROAD	CHESAPEAKE	VA	23323
DACON CORPORATION	1300 UNDERWOOD ROAD	DEER PARK	TX	77536
DAMATO BUILDERS + ADVISORS LLC	40 CONNECTICUT AVE	NORWICH	CT	06360
DAN R DALTON INC	912 W CALISPELL ROAD	USK	WA	99180
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DARDEN GLOEB REEDER INC	8601 I STREET	OMAHA	NE	68127
DATA CLEAN CORPORATION	1033 GRACELAND AVENUE	DES PLAINES	IL	60016
DAVIS CONSTRUCTION	2143 NE HWY 7	COLUMBUS	KS	66725
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DEEGIT INC	850 E HIGGINS RD STE 125X	SCHAUMBURG	IL	60173
DEEP SOUTH FIRE TRUCKS INC	2342 HIGHWAY 49 NORTH	SEMINARY	MS	39479
DEGRAFF CONSTRUCTION LLC	519 E 23RD TER	GALENA	KS	66739
DEJAGER CONSTRUCTION INC	75 60TH ST SW	WYOMING	MI	49508
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE	CHESTERFIELD	MI	48051
DESCO SYSTEMS OF AR INC	19890 W 156TH	OLATHE	KS	66062
DESIGN DRYWALL INC	6111 Z NW OF KS & INDIANA	FORT LEONARD WOOD	MO	65473
DETROIT CORNICE & SLATE CO INC	1315 ACADEMY	FERNDALE	MI	48220
DETROIT PIPING GROUP MECHANICAL CONTRACTORS INC	38291 SCHOOLCRAFT	LIVONIA	MI	48150

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DF CHASE INC	3001 ARMORY DR	NASHVILLE	TN	37204
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVERSIFIED COMMERCIAL BUILDERS INC	829 PICKENS IND DR 13	MARIETTA	GA	30062
DIVERSIFIED FOUNDATIONS LLC	10530 STATE HWY 29 NORTH	ALEXANDRIA	MN	56308
DJN SOLUTIONS LLC	124 WEST OAK AVENUE	MOORESTOWN	NJ	08057
DL MCCORMICK COMPANIES INC	US HWY 65 & 127	MALTA BEND	MO	65339
DLP CONSTRUCTION COMPANY INC	5935 SHILOH RD E STE 200	ALPHARETTA	GA	30005
DOBSON INDUSTRIAL INC	3660 N EUCLID AVENUE	BAY CITY	MI	48706
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DONCO ELECTRICAL CONSTRUCTION LLC	1506 US HWY 45 NORTH	ELDORADO	IL	62930
DOOLEY & MACK CONSTRUCTORS OF GEORGIA INC	4550 ATWATER CT STE 204	BUFORD	GA	30518
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DRC EMERGENCY SERVICES LLC	740 MUSEUM DRIVE	MOBILE	AL	36608
DREW BRANDT CONSTRUCTION INC	1303 SHERMAN AVE	ACKLEY	IA	50601
DRILLER LLC THE	5125 E UNIVERSITY AVE	PLEASANT HILL	IA	50327
DS ELECTRIC LLC	5336 KNOX	MERRIAM	KS	66203
DTLS INCORPORATED	P O BOX 1615	BERNALILLO	NM	87004
DUALTEMP INSTALLATIONS INC DBA DUALTEMP WISCONSIN	3695 J N 126TH STREET	BROOKFIELD	WI	53005
DUANE HOUKOM INC	7 WINDSONG LANE	FRIENDSWOOD	TX	77546
DUERSON INC	601 1ST AVE N	ALTOONA	IA	50009
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD	SPRINGDALE	AR	72762
DURR SYSTEMS INC	40600 PLYMOUTH RD	PLYMOUTH	MI	48170
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DYER ELECTRIC	8171 TOP FLITE CIRCLE	ROGERS	AR	72756
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFORREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	11651 CENTRAL PKWY #109	JACKSONVILLE	FL	32224
EDWARDS KAMADULSKI LLC	2230 CLEVELAND AVENUE	EAST ST LOUIS	IL	62205
EJM PIPE SERVICE INC	7807 LAKE DR	CIRCLE PINES	MN	55014
ELECTRICO INC	7706 WAGNER ROAD	MILLSTADT	IL	62260
ELI LLOYD INC	300 SOUTH STATE STREET	LITCHFIELD	IL	62056
ELLINGER WINFIELD LLC	ONE 157 CENTER	EDWARDSVILLE	IL	62025
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENGINEERED STRUCTURES INC	3330 E LOUISE DR STE 300	MERIDIAN	ID	83642
ENGINEERED SYSTEMS COMPANY LLC	11627 ZK32	BONNER SPRINGS	KS	66012
ENGINEERING AMERICA INC	647 HALE AVENUE N	OAKDALE	MN	55128
ENGINEERING SERVICES NETWORK INC	2450 CRYSTAL DR STE 1015	ARLINGTON	VA	22202
ENGLEWOOD CONSTRUCTION INC	9747 W FOSTER AVENUE	SCHILLER PARK	IL	60176

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ENVIRONMENTAL FABRICS INC	85 PASCON CT	GASTON	SC	29053
EPC SERVICES COMPANY	3521 GABEL ROAD	BILLINGS	MT	59102
ESI CONSTRUCTORS INC	950 WALNUT RIDGE DR	HARTLAND	WI	53029
EUGENIO PAINTING COMPANY	19807 MACK AVENUE	GROSSE POINTE WOODS	MI	48236
EVANS MASON INC	1021 SOUTH GRAND AVENUE	SPRINGFIELD	IL	62703
EXCEL ENGINEERING INC	5267 PROGRAM AVE # 2	SAINT PAUL	MN	55112
F & M CONTRACTORS INC	10915 NEW HALLS FERRY RD	ST LOUIS	MO	63136
F A WILHELM CONSTRUCTION CO INC	3914 PROSPECT STREET	INDIANAPOLIS	IN	46203
F L CRANE & SONS INC	508 S SPRING	FULTON	MS	38843
FABCON PRECAST LLC	120 S CENTRAL AVE	CLAYTON	MO	63105
FALLS CONSTRUCTION COMPANY INC	1100 INDIANA AVE STE 100	WICHITA FALLS	TX	76301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAUSS WYGO LLC	111 N 181ST SUITE 202	OMAHA	NE	68022
FCI CONSTRUCTION INC	735 A N YALE AVENUE	VILLA PARK	IL	60181
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FEDERAL STEEL & ERECTION	200 E ALTON AVE	EAST ALTON	IL	62024
FIBER OPTIC MANAGEMENT LLC	7020 SOUTHBELT DR SE	CALEDONIA	MI	49316
FIRELINE SPRINKLER CORPORATION	5036 CLAIREMONT DR	APPLETON	WI	54913
FLAGG CLEANING SYSTEMS INC	2036 W ELEVEN MILE RD	BERKLEY	MI	48072
FLOORMAX INCORPORATED	777 N RAINBOW BLVD 250	LAS VEGAS	NV	89107
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD	MELBOURNE	FL	32901
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FOUNDATION SPECIALIST INC	328 SOUTH 40TH STREET	SPRINGDALE	AR	72762
FOUR STAR CONSTRUCTION INC	7500 TOWER AVENUE	SUPERIOR	WI	54880
FRAZEE INC	560 LIONS CLUB DR SW	MABLETON	GA	30126
FREEDOM CONCRETE LLC	32565 LEINGTON AVE	DESOTO	KS	66018
FRONTIER MECHANICAL	1234 W SOUTH JORDAN PKWY	SOUTH JORDAN	UT	84096
FULSOM BROTHERS INC	PO BOX 547	CEDAR VALE	KS	67024
G TECH SERVICES LLC C/O PROF ACCT	1126 FOREST VIEW DRIVE	HIAWASSEE	GA	30546
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARRARD CONSTRUCTION GROUP INC	1960 SATELLITE BLVD #2300	DULUTH	GA	30097
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS ROAD	MCCOMB	MS	39648
GBA SYSTEMS INTEGRATORS LLC	9801 RENNER BLVD	LENEXA	KS	66219
GEA HEAT EXCHANGERS INC	143 UNION BLVD STE 400	LAKESWOOD	CO	80228
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENERAL EXCAVATING COMPANY	6701 CORNHUSKER HWY	LINCOLN	NE	68507
GENESEE FENCE & SUPPLY CO	53861 GRATIOT	CHESTERFIELD	MI	48051
GEORGE ALLEN CONSTRUCTION	9930 W 190TH STE A	MOKENA	IL	60448
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GLASS DESIGN INC	BOX 568	SAPULPA	OK	74067
GLOBAL EFFICIENCIES INC	2205 W DIVISION ST STE H4	ARLINGTON	TX	76012

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GOOLSBY INC	3002 WEST MAIN STRET	BLYTHEVILLE	AR	72315
GORDON ENERGY AND DRAINAGE	15735 S MAHAFFIE	OLATHE	KS	66062
GR2 LLC	5724 SUMMER TREES DRIVE	MEMPHIS	TN	38134
GRAND CONSTRUCTION COMPANY LLC	1699 VILLAGE WEST PARKWAY	KANSAS CITY	KS	66111
GRAYCLIFF ENTERPRISES INC	3300 BATTLEGROUND #100	GREENSBORO	NC	27410
GRE CONSTRUCTION	628 PALESTINE RD	CHESTER	IL	62233
GREAT LAKES CONCRETE PRODUCTS LLC	4555 134TH AVE	HAMILTON	MI	49419
GREER & KIRBY CO INC	14714 INDUSTRY CIRCLE	LA MIRADA	CA	90638
GREG CONSTRUCTION CO	10109 MARINE CITY HWY	IRA TOWNSHIP	MI	48023
GRIFFIN DEWATERING MIDWEST LLC	5306 CLINTON DRIVE	HOUSTON	TX	77020
GUERDON ENTERPRISES LLC	5556 FEDERAL WAY	BOISE	ID	83716
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
GW CONSTRUCTION SERVICES INC	133 E 2ND ST	ROXANA	IL	62084
GYPSUM FLOORS OF AR/OK INC	PO BOX 1707	MULDROW	OK	74948
H & H ELECTRIC OF ARKANSAS INC	158 TECHNIC CIRCLE	HOT SPRINGS	AR	71901
H & H SYSTEMS & DESIGN INC	135 WEST MARKET ST	NEW ALBANY	IN	47150
H & M INDUSTRIAL SERVICES INC	121 EDWARDS DR	JACKSON	TN	38302
H AND M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
HALL PAVING INC	1196 PONY EXPRESS HWY	MARYSVILLE	KS	66508
HARDESTY & ASSOCIATES INC	500 E BALBOA BLVD	NEWPORT BEACH	CA	92661
HAREN & LAUGHLIN RESTORATION COMPANY INC	8035 NIEMAN RD	LENEXA	KS	66214
HARRIS DAVID REBAR LLC	318 ARVIN AVE	STONEY CREEK L8E2M2	ON	99999
HARTZ BLEACHERS LLC	14954 305TH STREET	LONG GROVE	IA	52756
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HAWKINS CONSTRUCTION COMPANY	2516 DEER PARK BLVD	OMAHA	NE	68105
HAYES CONTRACTING INC	5460 SUGARLOAF RD	COLLINSVILLE	IL	62234
HEAFNER CONTRACTING INC	27457 HEAFNER DRIVE	GODFREY	IL	62035
HEALY CONSTRUCTION SERVICES INC	14000 S KEELER AVE	CRESTWOOD	IL	60445
HEARTHVIEW RESIDENTIAL LLC	805 CITY CENTER DRIVE	CARMEL	IN	46032
HEARTLAND RETAIL CONSTRUCTION INC	4956 MEMCO LN STE A	RACINE	WI	53404
HEINEN CUSTOM OPERATIONS INC	HWY 4	VALLEY FALLS	KS	66088
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HG DALLAS CONSULTING LLC	6860 N DALLAS PKWY	PLANO	TX	75024
HICKEY CONTRACTING CO	1318 G ST	KEOKUK	IA	52632
HIGH CONCRETE GROUP LLC	4990 CHILDRENS PL	ST LOUIS	MO	63110
HIGH LINE SERVICES LLC	410 S HIGH STREET	DIGHTON	KS	67839
HODESS CONSTRUCTION CORPORATION	100 JOHN L DIETSCH SQUARE	NORTH ATTLEBORO	MA	02763
HOFFMANN SILO CORPORATION	6001 49TH ST S	MUSCATINE	IA	52761
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD	TONAWANDA	NY	14150
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOME CENTER CONSTRUCTION INC	302 OAK STREET	FRONTENAC	KS	66763
HOMER TREE SERVICE INC	14000 S ARCHER AVE	LOCKPORT	IL	60441

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HOOVER CONSTRUCTION COMPANY	302 S HOOVER RD	VIRGINIA	MN	55792
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON RETAIL CONSTRUCTION INC	1458 HORIZON BLVD	RACINE	WI	53406
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HORIZONTAL WELL DRILLERS LLC	2915 STATE HWY 74 SOUTH	PURCELL	OK	73080
HORN MATERIAL HANDLING SYSTEMS INTERNATIONAL INC	9001 S CIMARRON RD	MUSTANG	OK	73064
HOTEL CLEAN LLC	6820 BEAVER RUN	LITTLETON	CO	80125
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HYPERION BIOTECHNOLOGY INC	13302 LANGTRY STREET	SAN ANTONIO	TX	78248
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 2	AUBURN	CA	95602
IMPERIAL ROOF SYSTEMS CO	203 ARMOUR ST	WEST UNION	IA	52175
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HWY 2	STERLINGTON	LA	71280
INK CONSTRUCTION LLC	8241 E KELLOGG DR STE 3	WICHITA	KS	67207
INNOVATION ONE LLC	2600 JOHN SAXON BLVD	NORMAN	OK	73071
INNOVATIVE COMBUSTION TECHNOLOGIES INC	2367 LAKESIDE DR STE A-1	BIRMINGHAM	AL	35244
INSULATING SERVICES INC	10709 H GRANITE STREET	CHARLOTTE	NC	28273
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DRIVE STE 300	FORT WORTH	TX	76137
IOWA INSULATION INC	955 WEST K AVENUE	NEVADA	IA	50201
IOWA PLAINS SIGNING INC	1110 W 6TH AVENUE	SLATER	IA	50244
IRS ENVIRONMENTAL OF WA INC	12415 E TRENT	SPOKANE VALLEY	WA	99216
ISIS CONSULTANTS LLC	6200 FEGENBUSH LANE	LOUISVILLE	KY	40228
ISO PACIFIC NUCLEAR ASSAY SYSTEMS INC	2750 SALK AVENUE #106	RICHLAND	WA	99354
J & D CONSTRUCTION INC	4495 HWY 212	MONTEVIDEO	MN	56241
J & S CONSTRUCTION COMPANY INC	1843 FOREMAN DRIVE	COOKEVILLE	TN	38501
JACKOVIC CONSTRUCTION COMPANY LLC	300 MT LEBANON BLVD 211A	PITTSBURGH	PA	15234
JACKSON DEAN CONSTRUCTION INC	3414 S 116TH ST	SEATTLE	WA	98168
JACOBS LADDER INC	2325 COBDEN SCHOOL ROAD	COBDEN	IL	62920
JAKES ELECTRIC LLC	207 ALLEN STREET	CLINTON	WI	53525
JAMES AGRESTA CARPENTRY INC	150 ENGLISH STREET	HACKENSACK	NJ	07601
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JAY MCCONNELL CONSTRUCTION INC	8242 MARSHALL DR	LENEXA	KS	66214
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JELD WEN DOOR REPLACEMENT SYSTEMS INC	401 HARBOR ISLE BLVD	KLAMATH FALLS	OR	97601
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JGM CLEANING LLC	1585 VZ CR 1224	GRAND SALINE	TX	75140
JOES AUTO SALVAGE	5 N STATE STREET	PANA	IL	62557

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JOHN A PAPALAS & CO INC	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHNSON MELLOH SOLUTIONS INC	5925 STOCKBERGER PLACE	INDIANAPOLIS	IN	46241
JOHNSONS BUILDERS	1455 HODGES FERRY ROAD	DOYLE	TN	38559
JOLLEY CONSTRUCTION COMPANY	2034 HAMILTON PL BLVD 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JOSE MEDRANO CONSTRUCTION	1500 E 200 N	BEAVER	UT	84713
JUST CONSTRUCTION & MANAGEMENT INC	16767 BOLLINGER DR #100	PACIFIC PALISADES	CA	90272
KADILEX CONSTRUCTION INC	563 N FIRST STREET	WOOD RIVER	IL	62095
KAISER ELECTRICAL CONTRACTORS INC	310A ERIE AVENUE	MORTON	IL	61550
KANSAS BUSINESS FORMS AND SUPPLIES INC	505 MAIN ST	BELTON	MO	64012
KAPUR & ASSOCIATES INC	7711 N PORT WASHINGTON RD	MILWAUKEE	WI	53217
KASPARIE CONSTRUCTION CO	1500 MAAS RD	QUINCY	IL	62305
KBS CONSTRUCTORS INC	1701 SW 41ST	TOPEKA	KS	66609
KENDALL CONSTRUCTION INC	4327 NW 43RD STREET	TOPEKA	KS	66618
KENT ANDERSON CONCRETE LP	830 E VALLEY RIDGE BLVD	LEWISVILLE	TX	75057
KES CONSTRUCTION LLC	11184 ANTIOCH 354	OVERLAND PARK	KS	66210
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIRCLE	GRAND PRAIRIE	TX	75050
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KIWI II CONSTRUCTION INC	28177 KELLER ROAD	MURRIETA	CA	92563
KORTE & LUITJOHANCONTRACTORS INC	12052 HIGHLAND ROAD	HIGHLAND	IL	62249
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KRESCO LLC	7220 N LINDBERGH BLVD 370	HAZELWOOD (T1)	MO	63042
KRYSTAL COMPANIES LLC	15120 DEARBORN	OVERLAND PARK	KS	66223
KTU CONSTRUCTORS A JOINT VENTURE	2708 NE INDEPENDENCE AVE	LEE'S SUMMIT	MO	64064
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
L G ELECTRIC INC	701 E 15TH ST	CHEYENNE	WY	82001
LABCON INC	3022 ROY ORR BLVD	GRAND PRAIRIE	TX	75050
LAFORGE & BUDD CONST CO INC	DEN GEL	PARSON	KS	67357
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LAMAR MOORE CONSTRUCTION INC	4401 STATE ROUTE 162	GRANITE CITY	IL	62040
LAND ART LANDSCAPING INC	12429 HOWE DRIVE	LEAWOOD	KS	66209
LARRY WALTY ROOFING & GUTTERING INC	9733 SW LOIS ROAD	ANDOVER	KS	67002
LAWS CUSTOM FLOORING INC	201 WEST JEFFERSON ST	ANNA	IL	62906
LAYTON CONSTRUCTION CO INC	9090 S SANDY PKWY	SANDY	UT	84070
LEBRUNS CUSTOM DECKS AND POOLS	403 WESTERHOLDT STREET	EAST ALTON	IL	62024
LEC CMS LP	2615 GRANT ST	WICHITA FALLS	TX	76309
LEVINE & POOR INC	4967 WILLIAM ARNOLD RD	MEMPHIS	TN	38117
LIFETIME CONSTRUCTION SERVICES INC	7699 KENSINGTON COURT	BRIGHTON	MI	48116

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LL CONSTRUCTION LLC	37441 COUNTY RD M	YUMA	CO	80759
LOCOELECTRO INC	10 MILLER STREET	BELLEVILLE	IL	62223
LONE STAR DIRECTIONAL DRILLING LP	1093 HWY 37 NORTH	CLARKSVILLE	TX	75426
LONE STAR RAILROAD CONTRACTORS INC	1101 TURTLE CREEK DR	O'FALLON	MO	63366
LONGS DRILLING SERVICE INC	6768 LYNX LANE	HARRISON	AR	72601
LUSE THERMAL TECHNOLOGIES LLC	3990 ENTERPRISE COURT	AURORA	IL	60504
M & A JONES CONSTRUCTION CO INC	P O BOX 3944	BATESVILLE	AR	72503
M & W CONTRACTORS INC	400 S STEWART ST	E PEORIA	IL	61611
M&J ELECTRIC OF WICHITA LLC	1444 S ST CLAIR BLDG D	WICHITA	KS	67213
MAINSCAPE INC	13418 BRITTON PARK RD	FISHERS	IN	46038
MAJOR DRILLING ENVIRONMENTAL LLC	2200 S 4000 W	SALT LAKE CITY	UT	84120
MAJOR REFRIGERATION CO INC	314 NORTHWESTERN AVENUE	NORFOLK	NE	68701
MANAGED SUBCONTRACTORS INTERNATIONAL INC	14961 MULDOON DR	ROGERS	AR	72756
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD	HIGH POINT	NC	27263
MANHATTAN ROAD & BRIDGE	5601 S 122ND EAST AVENUE	TULSA	OK	74146
MANTA INDUSTRIAL INC	414 N ORLEANS STE 202	CHICAGO	IL	60610
MARCO CONTRACTORS INC	377 NORTHGATE DR	WARRENDALE	PA	15086
MARINO ENGINEERING ASSOCIATES	1101 E COLORADO AVE	URBANA	IL	61801
MARION UNDERGROUND CONSTRUCTION INC	18652 CRAB ORCHARD RD	MARION	IL	62959
MARKETING ASSOCIATES INC	131 ST JAMES WAY	MOUNT AIRY	NC	27030
MASTER MECHANICAL INC	1027 GEMINI ROAD	EAGAN	MN	55121
MATHEWZ CONSTRUCTION LLC	512 ARCH VIEW CT	COLUMBIA	IL	62236
MAYER POLLOCK STEEL CORPORATION	850 INDUSTRIAL HIGHWAY	POTTSTOWN	PA	19464
MBF INSPECTION SERVICES INC	805 N RICHARDSON	ROSWELL	NM	88201
MCPHERSON CONTRACTORS INC	3715 W 29TH ST	TOPEKA	KS	66614
MCS OF TAMPA INC	3926 W SOUTH AVENUE	TAMPA	FL	33614
MCSHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200	ROSEMONT	IL	60028
MEADVILLE LAND SERVICE INC	17693 ST HWY 285	MEADVILLE	PA	16314
MECHANICAL CONSTRUCTION SERVICES IN	1711 MELROSE DR	BENTON	AR	72015
MESSERSMITH MANUFACTURING INC	2612 F ROAD	BARK RIVER	MI	49807
MEYERS PLUMBING	4117 MAIN STREET RD	KEOKUK	IA	52632
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK STREET	GRANDHAVEN	MI	49417
MID AMERICA CONSTRUCTION & DESIGN LLC	4408 S MAY AVENUE	NORMAN	OK	73072
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND INDUSTRIAL SERVICE LLC	2953 HONEYSUCKLE LANE	ROGERS	AR	72758
MIDWEST CUSTOM POOLS LLC	600 LINCOLN	LAWRENCE	KS	66044
MIDWEST MOLE INC	2460 N GRAHAM AVE	INDIANAPOLIS	IN	46218
MIDWEST MOWING INC	2450 OWENS LANE	BRIGHTON	IL	62012
MIDWEST THERMAL SERVICES INC	4568 N 127TH STREET	BUTLER	WI	53007
MIKE PETERSON CONSTRUCTION	1941 RAMROD AVENUE STE A	HENDERSON	NV	89014
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339

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MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MINNESOTA LIMITED LLC	18640 200TH STREET	BIG LAKE	MN	55309
MIXER SYSTEMS INC	190 SIMMONS AVENUE	PEWAUKEE	WI	53072
MJ HARRIS INC	2620 N WESTWOOD BLVD	POPLAR BLUFF	MO	63901
MLA GEOTHERMAL DRILLING LLC	205 HACKBERRY DRIVE	GRETNA	NE	68028
MOBILE MEDIA INC	24 CENTER STREET	PINE BUSH	NY	12566
MODERN BUILDERS INC	202 MAIN ST	JANESVILLE	IA	50647
MONG THU DESIGN INC	151 SABAL PALM DRIVE	LONGWOOD	FL	32779
MOORE ASPHALT INC	1 COMMERCIAL STREET	MILLSTADT	IL	62260
MORRIS BECK CONSTRUCTION SERVICES INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
MORRIS SHEA BRIDGE CO INC	1820 1ST AVENUE SOUTH	IRONDALE	AL	35210
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN STATES ROOFING INC	413 E 41ST STREET	GARDEN CITY	ID	83714
MOUNTAIN TOP ENTERPRISES LLC	209 NW 132ND ST	OKLAHOMA CITY	OK	73114
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MV RESIDENTIAL CONSTRUCTION INC	9349 WATERSTONE BLVD	CINCINNATI	OH	45249
MYERS AND SONS CONSTRUCTION LP	2554 MILLCREEK DRIVE	SACRAMENTO	CA	95833
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL COATINGS INC	3520 RENNIE SCHOOL ROAD	TRAVERSE CITY	MI	49685
NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD	HIGHLAND	IL	62249
NATIONAL ROOFING & SHEET METAL CO	G4130 FLINT ASPHALT DRIVE	BURTON	MI	48529
NCM DEMOLITION & REMEDIATION LP	404 N BERRY STREET	BREA	CA	92821
NEESE INC	303 DIVISION PO BOX 392	GRAND JUNCTION	IA	50107
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW TEAM LLC	110 E BROWARD BLVD 2450	FT LAUDERDALE	FL	33301
NEW TECH CONSTRUCTION INC	PO BOX 39	NEBRASKA CITY	NE	68410
NIEWOHNER CONSTRUCTION INC	801 IOWA AVE	ONAWA	IA	51040
NORTH AMERICAN ROOFING SYSTEMS INC	3 WINNER CIRCLE	ARDEN	NC	28704
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHERN ELECTRIC INC	1275 W 124TH AVENUE	WESTMINSTER	CO	80234
NORTHWEST AG SYSTEMS INC	1691 250TH STREET	SALIX	IA	51052
NORWOOD COMMERCIAL CONTRACTORS INC	214 PARK ST	BENSENVILLE	IL	60106
NOVINIUM INC	1221 29TH ST NW STE D	AUBURN	WA	98001
NOVISYS LIMITED LIABILITY COMPANY	1460 US RT 9 N STE 203	WOODBRIIDGE	NJ	07095
NU TEC ROOFING CONTRACTORS LLC	5025 EMCO DRIVE	INDIANAPOLIS	IN	46220
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
NWA GARAGE SOLUTIONS INC	5108 N CHEYENNE TRAIL	ROGERS	AR	72756
NWA RESTORE IT INC	13525 W HWY 102	CENTERTON	AR	72719
OLGOONIK SPECIALTY CONTRACTORS LLC	360 W BENSON BLVD STE 302	ANCHORAGE	AK	99503

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OMNI MECHANICAL SERVICES LLC	5918 S 129TH EAST AVE	TULSA	OK	74134
ONE BROTHER CONSTRUCTION, LLC	1667 HIGHWAY 1	WASHINGTON	IA	52353
ORASURE TECHNOLOGIES INC	220 EAST FIRST STREET	BETHLEHEM	PA	18015
OUT OF BOUNDS INC	101 AIRPORT ROAD	ALTO	NM	88312
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158	COLUMBIA	IL	62236
PADGETT BUILDING & REMODELING CO	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PARK CONSTRUCTION MIDWEST INC	7900 BEECH ST NE	MINNEAPOLIS	MN	55432
PELIKAN ENTERPRISES INC	906 VANDALIA	COLLINSVILLE	IL	62234
PENETRADAR CORPORATION	2509 NIAGARA FALLS BLVD	NIAGARA FALLS	NY	14304
PERFECT PLAY FIELDS AND LINKS INC	1921 HIDDEN LAKES DRIVE	BELLEVILLE	IL	62226
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE	COLLINSVILLE	IL	62234
PINNACLE CONSTRUCTION OF IOWA INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PINNACLE MECHANICAL	240 OLD HORTON RD	ALBERTVILLE	AL	35950
PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON	TOPEKA	KS	66603
PK CONTRACTORS LLC	10816 TOWN CENTER BLVD	DUNKIRK	MD	20754
PLASTINATION COMPANY DBA BODY WORLDS	5050 OAKLAND AVE	ST LOUIS	MO	63101
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLIVKA INTERNATIONAL COMPANY INC	3915 E MARKET STREET	WARREN	OH	44484
POWERS TAYLOR MILLS ENGINEERED FDN CONST LLC	22861 S WAVERLY ROAD	SPRING HILL	KS	66083
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C	FRANKFORT	IL	60423
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVENUE	AUSTIN	MN	55912
PREFERRED GLOBAL INC	1360 SOUTH 10TH STREET	NOBLESVILLE	IN	46060
PRO LINE BUILDING COMPANY INC THE	1385 HWY 63	NEW SHARON	IA	50207
PROCESS EQUIPMENT INC	2770 WELBORN STREET	PELHAM	AL	35124
PROFESSIONAL INSTALLATIONS	401 EASTWAY LANE	GRAHAM	NC	27253
PROLINE CONSTRUCTION INC	6577 TAEDA DRIVE	SARASOTA	FL	34241
PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST	LENEXA	KS	66215
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PURDUM INC	11620 S WALNUT ST	OLATHE	KS	66061
PWI CONSTRUCTION INC	155 W MAIN ST	MESA	AZ	85201
PYRO INDUSTRIAL SERVICES INC	6610 SHEPHERD AVENUE	PORTAGE	IN	46368
Q3 CONTRACTING INC	3066 SPRUCE ST	LITTLE CANADA	MN	55117
QCI THERMAL SYSTEMS INC	405 DRY CREEK AVENUE	WEST BURLINGTON	IA	52655
QUALITY ELECTRIC OF DOUGLAS COUNTY INC	1011 E 31ST STREET	LAWRENCE	KS	66046
QUALITY ROOFING INC	6201 EARHART ROAD	ANN ARBOR	MI	48105
QUALITY STRIPING INC	1704 E EUCLID AVE	DES MOINES	IA	50313
R CLEVELAND CORP	95 CENTER DRIVE	GILBERTS	IL	60136
R W REFRIGERATION DISTRIBUTING COMPANY	3150 SINGER AVENUE	SPRINGFIELD	IL	62703
RAGO CONCRETE LTD	5610 FM 2218	RICHMOND	TX	77469

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RAM CONSTRUCTION SERVICES OF MINNESOTA LLC	13800 ECKLES RD	LIVONIA	MI	48150
RAMON J GARCIA CONSTRUCTION	3315 N 115TH STREET	KANSAS CITY	KS	66109
RAMSEY WELDING INC	5360 E 900TH AVENUE	ALTAMONT	IL	62411
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E INTERSTATE 20	ABILENE	TX	79601
RAWLINGS INDUSTRIAL INC	12402 N DIVISION ST #246	SPOKANE	WA	99218
RB CONSTRUCTION COMPANY	6489 METROPOLITAN PARKWAY	STERLING HEIGHTS	MI	48312
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REED DILLON & ASSOCIATES LLC	1213 E 24TH STREET	LAWRENCE	KS	66046
RELIA TECH INC	2280 SIBLEY COURT	EAGAN	MN	55122
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESTAURANT SPECIALTIES INC	999 POLARIS PKWY STE 111	COLUMBUS	OH	43240
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RFW CONSTRUCTION GROUP LLC	1315 N CHOUTEAU TRAFFICWA	KANSAS CITY	MO	64120
RIEKE GRADING INC	8200 HEDGE LANE TERRACE	SHAWNEE	KS	66227
ROBINETTE DEMOLITION INC	0 S 560 ROUTE 83	OAKBROOK	IL	60181
ROCK REMOVAL RESOURCES LLC	1125 N MILITARY AVENUE	GREEN BAY	WI	54303
ROCKY MOUNTAIN REBAR	1104 E WALNUT	COLUMBIA	MO	65201
ROEHL REFRIGERATED TRANSPORT LLC	1916 E 29TH STREET	MARSHFIELD	WI	54449
RON WEERS CONSTRUCTION INC	20765 S FOSTER COURT	BUCYRUS	KS	66013
ROSS & ASSOCIATES OF RIVER FALLS WISCONSIN LTD	246 SUMMIT	RIVER FALLS	WI	54022
ROY ANDERSON CORP	11400 REICHOLD ROAD	GULFPORT	MS	39503
ROYAL ROOFING COMPANY INC	2445 BROWN ROAD	ORION	MI	48359
ROYAL SEAL CONSTRUCTION INC	124 MCMAKIN RD	BARTONVILLE	TX	76226
ROYALTY COMPANIES OF INDIANA INC	1000 D AVENUE	SEYMOUR	IN	47274
RP COATINGS INC	710A S MAIN STREET	TROY	IL	62294
RTL CONSTRUCTION MN INC	4000 VALLEY IND BLVD S	SHAKOPEE	MN	55379
RUDEBUSCH DEVELOPMENT & CONSTRUCTION INC	4605 DOVETAIL DRIVE	MADISON	WI	53704
RUSSELL CONSTRUCTION COMPANY	1414 MISSISSIPPI BLVD	BETTENDORF	IA	52722
RUST OF KENTUCKY INC	6582 BEAVER DAM ROAD	CROMWELL	KY	42333
S & S MECHANICAL CONTRACTORS LLC	8411 NIEMAN	LENEXA	KS	66214
S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR	HAMBURG	IA	51640
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SACHSE CONSTRUCTION AND DEVELOPMENT COMPANY LLC	260 E BROWN ST STE 200	BIRMINGHAM	MI	48009
SAFE ENVIRONMENTAL CORPORATION	10030 EXPRESS DR STE A&B	HIGHLAND	IN	46322
SAMRON MIDWEST CONTRACTING INC	1510 N 7TH STREET	MURPHYSBORO	IL	62966
SATELLITE SERVICES INC	120 SUPERIOR RD	ST ROBERT	MO	65583
SCHECK TECHNICAL SERVICES	500 E PLAINFIELD RD	COUNTRYSIDE	IL	60525
SCHEINER COMMERCIAL GROUP INC	18965 BASE CAMP RD STE A1	MONUMENT	CO	80132
SCHLEIS FLOOR COVERING INC	2744 MANITAWOC ROAD	GREEM BAY	WI	54311
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622

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SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCHWEITZER ENGINEERING LABORATORIES INC	2350 NE HOPKINS CT	PULLMAN	WA	99163
SCHWOB BUILDING COMPANY LTD	2349 GLENDA LANE	DALLAS	TX	75229
SDI EXTERIOR SYSTEMS LLC	20791 RANDALL	FARMINGTON HILLS	MI	48336
SEEDORFF MASONRY INC	W MISSION ST	STRAWBERRY PT	IA	52076
SEK HEAT & AIR INC	422 W ATKINSON	PITTSBURG	KS	66762
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR	TARPON SPGS	FL	34688
SEVEN JS & ASSOCIATES LLC	4590 PHILLIPSBURG UNION	UNION	OH	45322
SG CONSTRUCTION SERVICES LLC	801 S SAGINAW	FLINT	MI	48502
SHAFFER ENTERPRISES D & T LLC	301 LEONA LANE	URSA	IL	62376
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHIELDS TELECOMM INC	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHILLING CONSTRUCTION CO INC	555 POYNTZ AVE STE 260	MANHATTAN	KS	66502
SHORTRIDGE CONSTRUCTION CO INC	3908 N 24TH ST	QUINCY	IL	62301
SIERRA BRAVO CONTRACTORS LLC	7038 HWY 154	SESSER	IL	62884
SIG SYS INC	18952 MACARTHUR BLVD 460	IRVINE	CA	92612
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SIS MANPOWER INC	2941 S GETTYSBURG AVE	DAYTON	OH	45418
SITE COMMUNICATIONS INC	171 W FACTORY ST STE E	GALLATIN	TN	37066
SJ LOUIS CONSTRUCTION INC	1351 BROADWAY W BOX 459	ROCKVILLE	MN	56369
SKYLIGHT FINANCIAL INC	1455 LINCOLN PKWY STE 600	ATLANTA	GA	30346
SKYTOP TOWERS INC	13503 W US HWY 34	MALCOLM	NE	68402
SMARTLINK LLC	1449 WHITEHALL ROAD	ANNAPOLIS	MD	21409
SMITHSON INC	1661 S WESLEYAN BLVD	ROCKY MOUNT	NC	27803
SNI COMPANIES	4600 WESTOWN PKWY RW6 113	WEST DES MOINES	IA	50266
SOLAR ERECTORS US INC	10501 NW 121ST WAY	MEDLEY	FL	33178
SOLARIS ROOFING SOLUTIONS INC	4800 JACOBS OLD COAL RD	SHREWSBURY	MO	63119
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSDA AVE	CASA GRANDE	AZ	85222
SOUTHERN CONCRETE PRODUCTS INC	266 E CHRUCH STREET	LEXINGTON TN	TN	38351
SOUTHERN INDUSTRIAL CONSTRUCTORS INC	6101 TRIANGLE DRIVE	RALEIGH	NC	27617
SOUTHERN MARINE CONSTRUCTION CO	100 HAMM ROAD	CHATTANOOGA	TN	37405
SOUTHFORK CONSTRUCTION INC	144 GREENLAWN DRIVE	SAN ANTONIO	TX	78201
SOUTHWEST FIXTURE INSTALLERS INC	242 W VAUGHN	TEMPE	AZ	85283
SOUTHWINDS INSPECTION CORP	RT 2 BOX 88A	KINGFISHER	OK	73750
SPLASH ZONE LLC	7319 S ATWOOD STE 103	MESA	AZ	85212
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
SRB ELECTRIC LLC	907 HIGH RIDGE DR	COLUMBIA	IL	62236
STALEY TECHNOLOGIES LLC	3400 JE DAVIS DR	LITTLE ROCK	AR	72209
STAYBRIGHT ELECTRIC OF COLORADO INC	4468 BARNES DRIVE	COLORADO SPRINGS	CO	80917
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STERLING BOILER & MECHANICAL INC	1420 KIMBER LANE	EVANSVILLE	IN	47715
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78	WYLIE	TX	75098

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STILL CONSTRUCTION CO INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STILTNER ELECTRIC INC	340 HERKY STREET	NORTH LIBERTY	IA	52317
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DRIVE	MEQUON	WI	53092
SUPERIOR OPERATING SYSTEMS INC	1721 S 42ND STREET	ROGERS	AR	72758
SUPERIOR ROOFING INC	14700 E 39TH AVE	AURORA	CO	80011
SUPPLIER INSPECTION SERVICES INC	2941 S GETTYSBURG AVE	DAYTON	OH	45418
SURF PREP INC	19305 HAYDEN COURT	BOOKFIELD	WI	53045
SURFACE PREPARATION TECHNOLOGIES LLC	81 TEXACO ROAD	MECHANICSBURG	PA	17050
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWORD CONSTRUCTION LLC	1701 NORTH PARK DR STE 6	KINGWOOD	TX	77339
T V JOHN & SON INC	5201 N 124TH STREET	BUTLER	WI	53007
T WINN CONSTRUCTION COMPANY	15018A CIRCLE	OMAHA	NE	68144
TANCO ENGINEERING INCORPORATED	1400 TAURUS COURT	LOVELAND	CO	80537
TANK BUILDERS INC	13400 TRINITY BLVD	EULESS	TX	76039
TCI ARCHITECTS ENGINEERS CONTRACTOR INC	1718 STATE ROAD 16	LA CROSSE	WI	54601
TENCON INC	530 JONES ST	VERONA	PA	15147
TENNESSEE ELECTRIC COMPANY INC	1700 N JOHN B DENNIS HWY	KINGSPORT	TN	37664
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRAZZO USA LLC	726 S M CLOUD ROAD	M CLOUD	OK	74851
TESTEX INC	535 OLD FRANKSTOWN ROAD	PITTSBURGH	PA	15239
TETRA TECH CONSTRUCTION INC	2736 ST HWY 30	MAYFIELD	NY	12117
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	1202 N HWY 91	DENISON	TX	75021
TGK ENTERPRISES INC	9211 CASTLEGATE DRIVE	INDIANAPOLIS	IN	46256
THE FISHEL COMPANY	1810 ARLINGATE LN	COLUMBUS	OH	43228
THE FORREST GROUP LTD	2108 N 129TH E AVENUE	TULSA	OK	74116
THE FRED CHRISTEN & SONS COMPANY	714 GEORGE ST	TOLEDO	OH	43608
THE HASKELL COMPANY	111 RIVERSIDE AVENUE	JACKSONVILLE	FL	32202
THE HINRICHS GROUP INC	340 OFFICE COURT STE A	FAIRVIEW HEIGHTS	IL	62208
THE JAMAR COMPANY OF MINNESOTA	1100 OLD HIGHWAY 8 NW	NEW BRIGHTON	MN	55112
THE REDMOND COMPANY	W228 N745 WESTMOUND DR	WAUKESHA	WI	53186
TIC THE INDUSTRIAL COMPANY	188 INVERNESS DR W #700	ENGLEWOOD	CO	80012
TITAN BUILT LLC	11865 S CONLEY	OLATHE	KS	66061
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TJC ENGINEERING INC	5001 CROWN MANOR PLACE	LOUISVILLE	KY	40218

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TOMS TUCKPOINTING LLC	410 W ELM	CORNING	AR	72422
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247	EDWARDSVILLE	KS	66113
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWER STEEL SERVICES INC	22728 HUFSMITH KOHRVILLE	TOMBALL	TX	77375
TOWN AND COUNTRY PLUMBING INC	1201 N 2ND STREET	ROGERS	AR	72756
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRACY ELECTRIC INC	8025 S BROADWAY STREET	HAYSVILLE	KS	67060
TRADEMARK RESTORATION INCORPORATED	6260 E RIVERSIDE BLVD 163	LOVES PARK	IL	61111
TRADITIONAL CONTRACTORS INC	6650 CAMPGROUND ROAD	CUMMING	GA	30040
TRAFFIC & LIGHTING SYSTEMS LLC	13305 N SANTA FE AVENUE	OKLAHOMA CITY	OK	73114
TRAFFIC CONTROL SERVICES LLC	1411 STONERIDGE DRIVE	MIDDLETOWN	PA	17057
TRC DISASTER SOLUTIONS COMPANY	712 S WHEELING AVE	TULSA	OK	74104
TRI NORTH BUILDERS INC	2625 RESEARCH PARK DR	FITCHBURG	WI	53711
TRI STAR CONTRACTORS LLC	1910 WAUKESHA ROAD	SILLOAM SPRINGS	AR	72761
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRUCK CRANE SERVICE COMPANY	2875 HIGHWAY 55	EAGAN	MN	55121
TUFF WRAP INSTALLATIONS INC	2080 DETWILER ROAD STE 2	HARLEYSVILLE	PA	19438
TWEET GAROT MECHANICAL INC	2545 LARSEN RD	GREEN BAY	WI	54303
U S BUILDERS LP	8811 GAYLORD	HOUSTON	TX	77024
U S ELECTRICAL CONSTRUCTION CO INC	160 HARRISONVILLE LAKE RD	WOODSTOWN	NJ	08098
UCI INC	659 N MAIN	WICHITA	KS	67214
ULTIMATE THERMAL INC	P O BOX 34818	OMAHA	NE	68134
UNITED PIPING INC	4510 AIRPORT ROAD	DULUTH	MN	55811
UNIVERSAL SIGN SYSTEMS	5001 FALCON VIEW SE	GRAND RAPIDS	MI	49512
UNIVERSAL WALL SYSTEMS INC	6119 28TH ST SE STE B	GRAND RAPIDS	MI	49546
UPTON MASONRY	68800 E 20 RD	QUAPAW	OK	74363
US BUILDERS GROUP INC	6465 FRENCH ROAD	DETROIT	MI	48213
US LAWNS OZARKS	1010 ROBIN ST	NIXA	MO	65714
USA TECHNOLOGIES INC	5750 N SAM HSTN PKY E 216	HOUSTON	TX	77032
UTAH OIL LLC	2394 UTAH ROAD	RANDALL	KS	66079
UTILITY SERVICES INC	1080 WATERBURY STOWE RD 2	WATERBURY	VT	05676
UTILITY SOLUTIONS LLC	17835 185TH STREET	TONGANOXIE	KS	66086
VALIANT INTERNATIONAL INC	1511 EAST 14 MILE RD	TROY	MI	48083
VAN ERT ELECTRIC COMPANY INC	7019 WEST STEWART AVENUE	WAUSAU	WI	54401
VANCE CONSTRUCTION SOLUTIONS LLC	925 EAST PARKER ROAD	JONESBORO	AR	72404
VECTOR CONSTRUCTION INC	3814 3RD AVE NW	FARGO	ND	58102
VETERANS RANGE SOLUTIONS LLC	24308 OAK MEADOW LANE	FREDERICKSBURG	VA	22407
VFP FIRE SYSTEMS INC	301 YORK AVE	ST PAUL	MN	55130
VIACON INC	70 BANKS RD	STOCKBRIDGE	GA	30281
VICTORY AIR INC	10600 E JEWELL AVENUE	AURORA	CO	80012
VISIONSOFT INTERNATIONAL INC	1842 OLD NORCROSS RD 100	LAWRENCEVILLE	GA	30044
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
VON ALST OPERATING LLC	2416 SMELTING WORKS ROAD	SWANSEA	IL	62226
WADES REFRIGERATION INC	P O BOX 2164	BATESVILLE	AR	72503
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALKER MASONRY & SONS INC	15053 WALKER RD	PRAIRIE GROVE	AR	72753
WALSH ALBERICI JOINT VENTURE	929 W ADAMS STREET	CHICAGO	IL	60607
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD	MANHATTAN	KS	66502
WASATCH REBAR LLC	628 W 350 N	BLACKFOOT	ID	83221
WATSON ELECTRIC INC	318 N 8TH ST	SALINA	KS	67401
WEATHERCRAFT COMPANY OF GRAND ISLAND	PO BOX 80459	LINCOLN	NE	68501
WEATHERCRAFT COMPANY OF LINCOLN	5410 NW 44TH ST STE A	LINCOLN	NE	68524
WELDMATION INC	31720 STEPHENSON HIGHWAY	MADISON HEIGHTS	MI	48071
WEST CONSTRUCTION MANAGEMENT INC	5825 OAK AVE	INDIANAPOLIS	IN	46219
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WG HALL LLC	3215 W JOHN SEVIER HWY	KNOXVILLE	TN	37920
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE STAR CONSTRUCTION INC	6175 MIZE ROAD	SHAWNEE	KS	66226
WIGDAHL ELECTRIC COMPANY	625 PRATT BLVD	ELK GROVE VILLAGE	IL	60007
WILLBROS CONSTRUCTION US LLC	4400 POST OAK PKWY # 1000	HOUSTON	TX	77027
WILLIAM A RANDOLPH INC	820 LAKESIDE DR STE 3	GURNEE	IL	60031
WINGER CONTRACTING COMPANY	918 HAYNE ST	OTTUMWA	IA	52501
WOODS CONSTRUCTION INC	4895 CEDARMERE DR	COLORADO SPRINGS	CO	80918
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
WYOMING EFFICIENCY CONTRACTORS INC	530 E COSTILLA STREET	COLORADO SPRINGS	CO	80903
YELLOWSTONE ELECTRIC CO	1919 4TH AVE NORTH	BILLINGS	MT	59101
YOKOGAWA CORPORATION OF AMERICA	2 DART RD	NEWMAN	GA	30265
ZAPATA ENGINEERING PA	6302 FAIRVIEW RD STE 600	CHARLOTTE	NC	28210
ZERNCO INC	14033 SW TAWAKONI RD	AUGUSTA	KS	67010
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST	OVERLAND PARK	KS	66213
ZOLFO COOPER	101 EISENHOWER PKY 3RD FL	ROSELAND	NJ	07068
ZULU CONSTRUCTION LLC	10032 DIVING DUCK AVENUE	LAS VEGAS	NV	89117